

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, August 27, 2009 3:30 P.M.
City Council Chambers
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF AUGUST 13, 2009, ZONING COMMITTEE MINUTES

NEW BUSINESS

- 1 09-252-587 Dr. Lee Chen**
Rezoning from B3 General Business to RM2 Medium-Density Multiple-family Residential
1880 Old Hudson Road, SW corner of Hazel
B3
Penelope Simison 651-266-6554

- 2 09-252-744 Dr. Lee Chen**
Conditional Use Permit for assisted living facility and variances of side yard setbacks for the parking lots on each side of the building
1880 Old Hudson Road, SW corner at Hazel
B3
Penelope Simison 651-266-6554

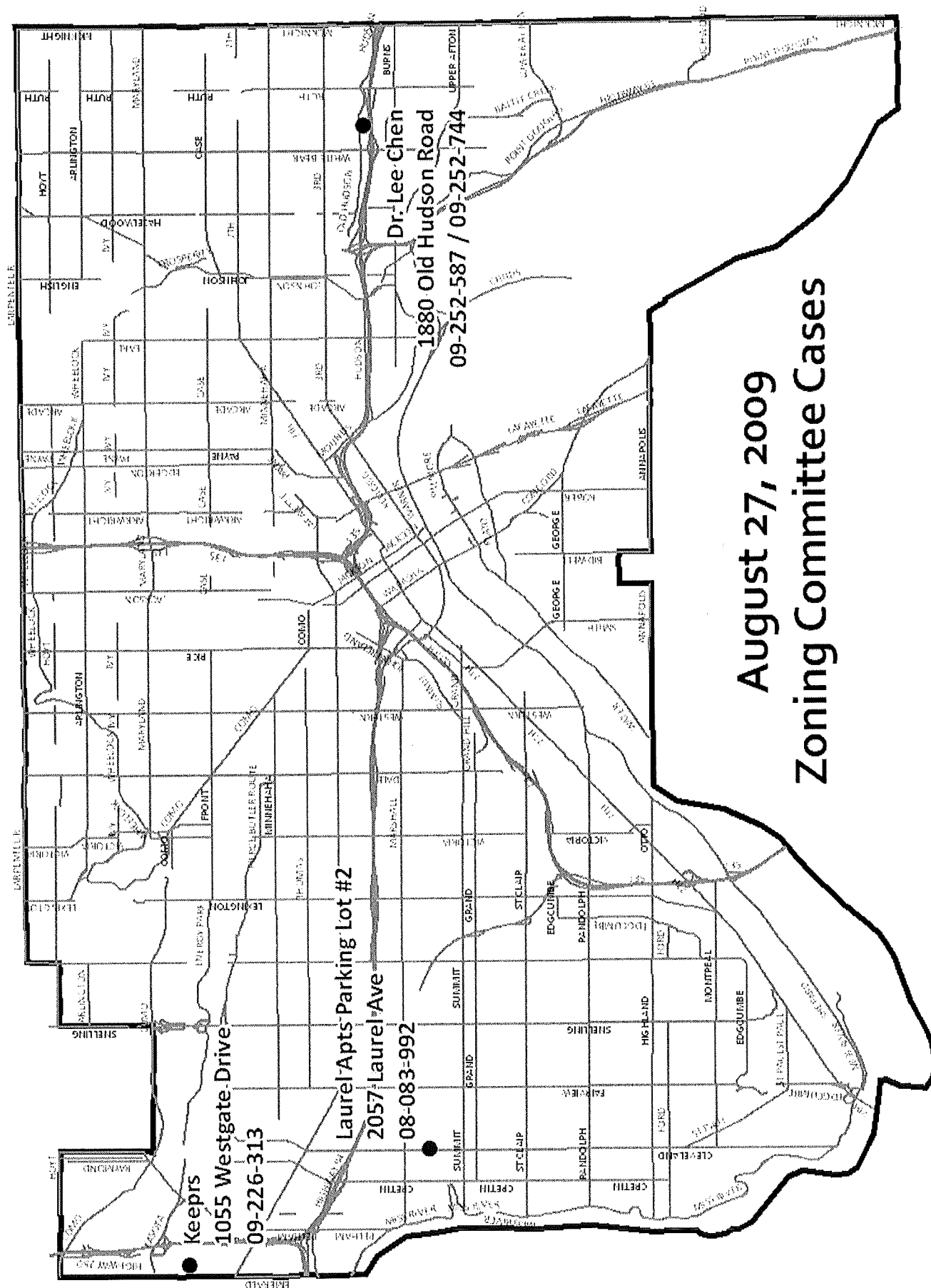
- 3 09-226-313 Keeps**
Conditional Use Permit for a gun shop retailing to law enforcement with modification of distance from residentially zoned property
1055 Westgate Drive, NW corner of Westgate and U of M Transitway
I1
Sarah Zorn 651-266-6570

- 4 08-083-992 Laurel Apts Parking Lot #2**
Public hearing to consider revocation or modification of parking lot site plan approved June 11, 2008, for failure to meet conditions of approval
2057 Laurel Ave
RT1
Tom Beach 651-266-9086

ADJOURNMENT

ZONING COMMITTEE MEMBERS: Call Allan Torstenson at 266-6579 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.



Keeps

1055 Westgate Drive

09-226-313

Laurel Apts Parking Lot #2

2057 Laurel Ave

08-083-992

Dr. Lee Chen

1880 Old Hudson Road

09-252-587 / 09-252-744

August 27, 2009
Zoning Committee Cases

ZONING COMMITTEE STAFF REPORT

- | | |
|--|--|
| 1. FILE NAME: Lee Chen | FILE #: 09-252-587 |
| 2. APPLICANT: Lee Chen | HEARING DATE: August 27, 2009 |
| 3. TYPE OF APPLICATION: Rezoning-Council | |
| 4. LOCATION: 1880 Old Hudson Road, | |
| 5. PIN & LEGAL DESCRIPTION: 352922320087; CHEN'S ADDITION LOT 2 BLK 1 | |
| 6. PLANNING DISTRICT: 1 | EXISTING ZONING: B3 |
| 7. ZONING CODE REFERENCE: § 66.216; §61.801(b) | |
| 8. STAFF REPORT DATE: August 19, 2009 | BY: Penelope Simison |
| 9. DATE RECEIVED: August 5, 2009 | 60-DAY DEADLINE FOR ACTION: October 4, 2009 |
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- A. **PURPOSE:** Rezoning from B3 General Business to RM2 Medium-Density Multiple-family Residential .
- B. **PARCEL SIZE:** 108509
- C. **EXISTING LAND USE:** Vacant two-story motel.
- D. **SURROUNDING LAND USE:**
North: Multiple-family residential; office; parking (RM2, B2, VP1)
East: Vacant MN-DOT property (RM2)
South: Interstate highway (B3)
West: Seven-story hotel; parking (B3)
- E. **ZONING CODE CITATION:** § 66.216 provides for the intent of the RM2 zoning district; §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** When the Zoning Code was first established in 1975, the site was located in the ES district. Since the early 1980s, the site has been located in the B3 General Business district.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 1 submitted a letter, dated August 12, 2009, stating it supported the zone change.
- H. **FINDINGS:**
1. The applicant proposes to construct and maintain an assisted living and memory care facility with 78 units. Three of the units will have two beds, for a total of 81 beds. The 67,000 s.f. building will be three-stories, at a height of 45 feet. The applicant proposes to provide 34 parking spaces, located along the north perimeter of the building and in the east side yard, adjacent to the property line.
 2. The proposed zoning is consistent with the way this area has developed. The preponderance of buildings in the immediate vicinity, including the block face on the north side of the street across from the site, is multiple-family residential with RM2 and RT2 zoning.
 3. The proposed zoning is consistent with the Comprehensive Plan. The current Land Use and Housing chapters of the Comprehensive Plan support the production of housing. The Housing chapter (Policy 5.2) promotes the development of housing that addresses new and emerging market needs and complements existing neighborhoods (Policy 5.2). The Land Use chapter (Policy 5.3.1) states that each of the 17 planning districts should have life-cycle housing, including senior housing, so that people of all ages should be able to live conveniently in every part of the city. The preliminarily approved Housing and Land Use chapters of the Comprehensive Plan update also support the production of housing. The Housing chapter (Policy 2.18) promotes the

expansion of housing choices for seniors, particularly in neighborhoods that are underserved. The Land Use chapter includes two policies, including promoting housing choices for people of all ages (Policy 1.39) and a range of housing types and values in each of the 17 planning districts. The District 1 plan summary, adopted in January 2004, lists as a City Action support for senior housing development and developments consistent with the Land Use chapter of the adopted Comprehensive Plan.

4. The proposed is compatible with surrounding uses, including multiple-family residential in the immediate area to the north, as well as the seven-story hotel to the west, zoned B3, and the medical office building to the north, zoned B2.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from B3 General Business to RM2 Medium-Density Multiple-family Residential.



PETITION TO AMEND THE ZONING CODE

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only

File # 09-252587

Fee: 1500

Tentative Hearing Date: 8-27-09

PD=1

352922320087

APPLICANT

Property Owner DR. LEE CHEN

Address 23545 CRENSHAW BLVD., #102

City TORRANCE St. CA Zip 90505 Daytime Phone 310-530-2388

Contact Person (if different) GREG McDONALD Phone 612-338-0444

PROPERTY LOCATION

Address / Location 1880 OLD HUDSON RD., ST. PAUL, MN 55119

Legal Description LOT 2, BLOCK 1, CHEN'S ADDITION

Current Zoning B-3

(attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes, DR. LEE CHEN, owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a B-3 zoning district to a RM-2 zoning district, for the purpose of:

Development of proposed senior assisted living center. Proposed facility will contain 78-units on 3-levels with a total building area of 67,000 S.F. The building footprint will be approximately 23,000 S.F. on the 2.49 acre site. This project will include the demolition and removal of the existing vacant, blighted 2-story building, which is contaminated with asbestos and other hazardous materials.

The new facility will create seventy (70) new full-time permanent jobs within the community.

Attachments as required: ☒ Site Plan ☐ Consent Petition ☐ Affidavit

CK 1135
1500

Subscribed and sworn to before me

this 04 day

of August, 2009.

By: Lee Chen
Fee Owner of Property

Title: President

[Signature]
Notary Public



August 12, 2009

Department of Planning and Economic Development
City of Saint Paul
1400 City Hall Annex
25 W. 4th St.
St. Paul, MN 55102-1634

Re: 352922320087 – 1880 Old Hudson Rd.

The proposed project for an assisted living-memory care facility at 1880 Old Hudson Rd. has come before the District 1 Community Council on the following occasions:

- November 24, 2008 Board Meeting – 22 persons present
- May 14, 2009 Land Use Meeting (neighborhood flyer) – 15 persons present
- August 11, 2009 Land Use Meeting – 6 persons present

At the May meeting the Land Use Committee approved the concept of the Comforts of Home facility (with unanimous neighborhood approval), along with a proposed zoning change, with the stipulation that the final site plan come before the committee for approval.

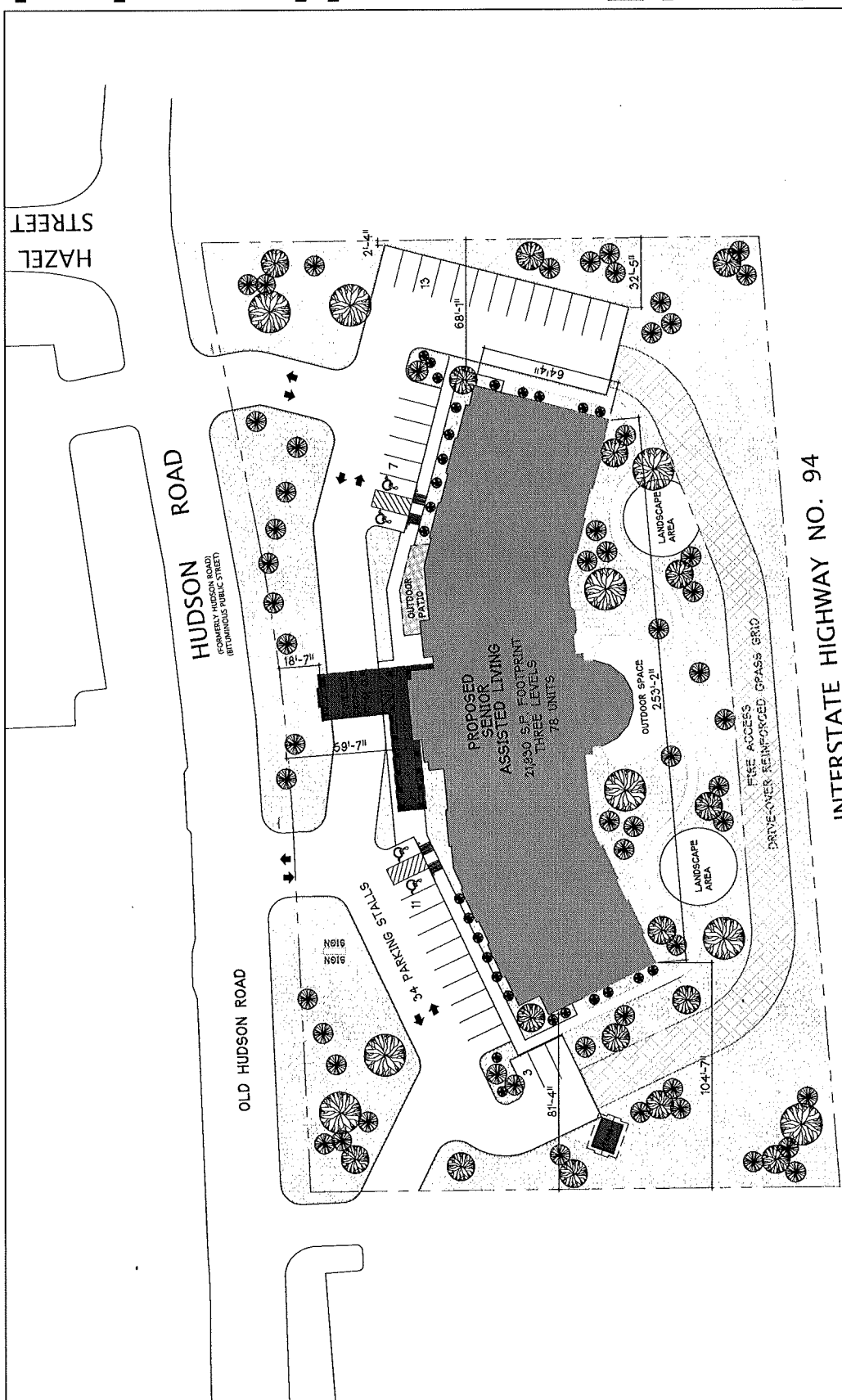
At the August 11 Land Use meeting, the committee unanimously voted to

- **Support the request for zoning change** from B-3 to RM-2 and the accompanying CUP
- **Support the proposed senior living site plan** in principal and basic design
- **Support the variance request for reduced parking spaces** with the suggestion that the number of proposed parking spaces be further reduced by at least 10 spaces, specifically those on the west side of the building, thereby **eliminating the need for the variance request for side yard parking setback.**

The committee felt that the need for parking is still overstated by the applicant. The committee recognizes that the site, with its proximity to the hotel at 1870 Old Hudson Rd, presents some limitations on design, but these limitations can be ameliorated by removal of the west side parking. Despite the committee's general position that parking at the rear of the building is generally preferred in a residential area, it believes that the nature of the operation allowed by the CUP involves some security concerns for residents. These concerns might discourage parking being placed at the rear of the building with more greenspace located along Old Hudson Rd.

Respectfully submitted by,

Betsy Leach
For the Land Use Committee



19 AUGUST 2009

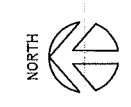
**Comforts
OF Home**


INTERSTATE HIGHWAY NO. 94

INTERSTATE HIGHWAY 94

**COMFORTS OF HOME
ST. PAUL SITE PLAN**

NOT TO SCALE





F · R · I · S · B · I · E
ARCHITECTS, INC.
213 N. Second St., Suite 204, Minneapolis, MN 55402

PRELIMINARY SET
NOT FOR CONSTRUCTION

F · R · I · S · B · I · E
ARCHITECTS

**COMFORTS
OF HOME**
Pr
LIVING
ST. PAUL, MN
PROJECT NO.

A1

PRELIMINARY SET
NOT FOR CONSTRUCTION

F
R·I·S·B·I·E
ARCHITECTS
213 N. Second St., Suite 204 | River Falls, WI 54022
TEL: 715.833.1111 FAX: 715.833.1112

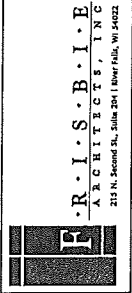
COMFORTS OF HOME
PROPOSED
SENIOR
LIVING
ST. PAUL, MN

PROJECT NO.

A32

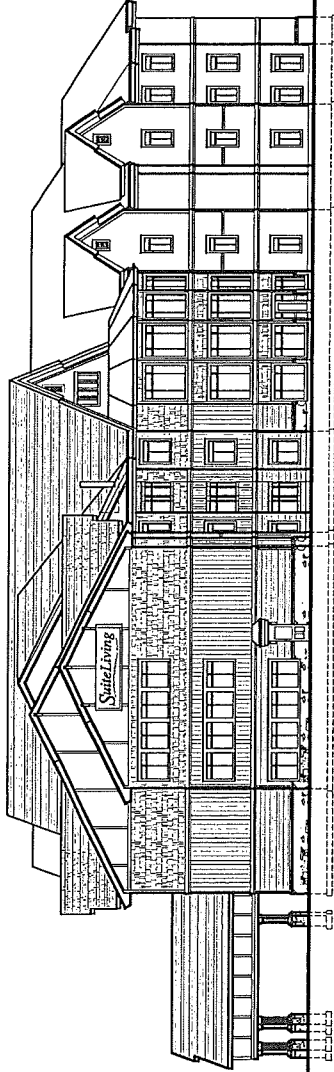
5 AUGUST 2009

14 JULY 2009

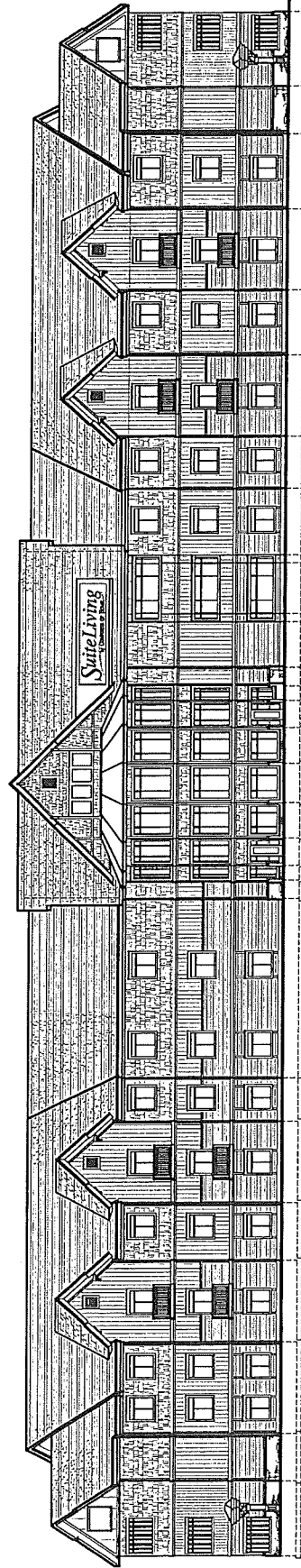


COMFORTS OF HOME
EXTERIOR ELEVATIONS
SCALE: 3/32" = 1'-0"

1. WEST EXTERIOR ELEVATION
SCALE: 3/32" = 1'-0"



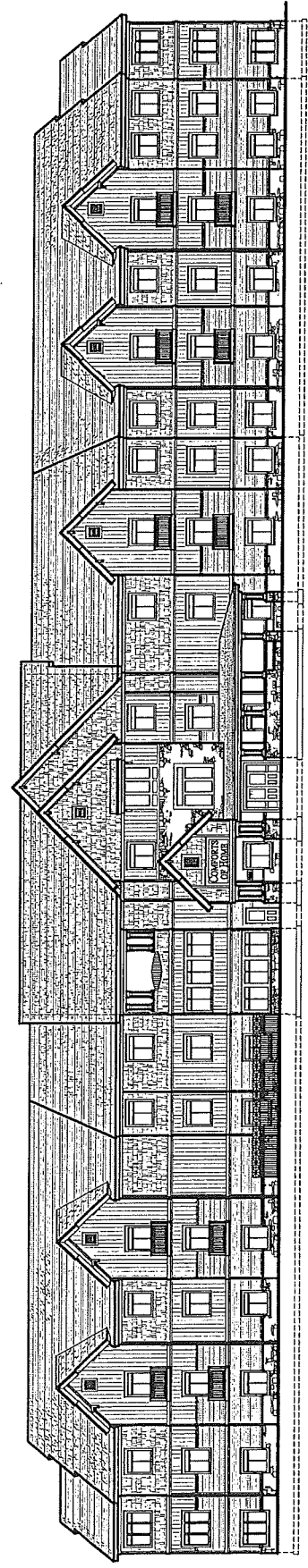
2. SOUTH EXTERIOR ELEVATION
SCALE: 3/32" = 1'-0"



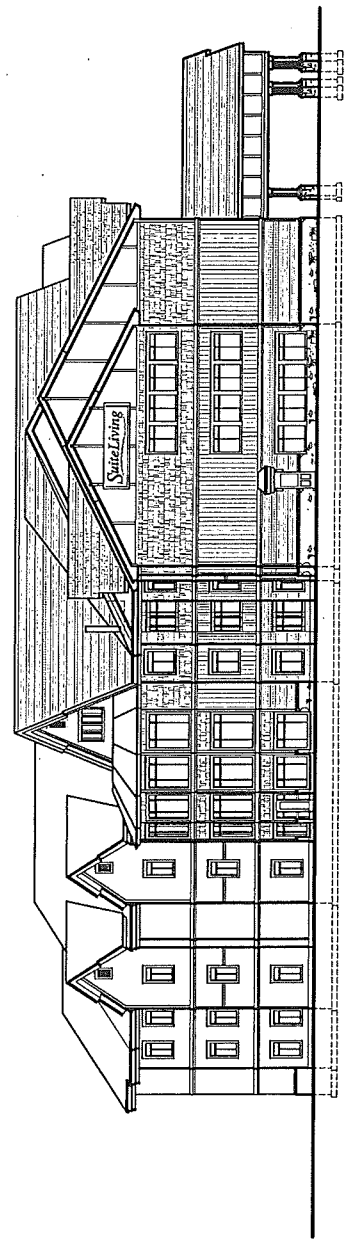
COMFORTS OF HOME EXTERIOR ELEVATIONS

14 JULY 2008

13 NORTH EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



12 EAST EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



A31

6 AUGUST 2008

PROJECT NO.

ST. PAUL, MN

LIVING

SENIOR

PROPOSED

OF HOME

COMFORTS

ARCHITECTS
R. I. S. B. I. E.

PRELIMINARY SET
NOT FOR CONSTRUCTION

PIN PROPERTY ADDRESS .
35-29-22-32-0087 1880 OLD HUDSON RD,

FEE OWNER
STARBOUND ST PAUL HOTEL LLC
23545 CRENSHAW BLVD ST 102
TORRANCE CA 90505-5248

PLAT NAME
CHEN'S ADDITION

DESCRIPTION
LOT 2 BLK 1

TAX PAYER

HOMESTEAD NAME

- HIT ANY KEY TO CONTINUE

VAN DYKE

HAZEL

HUDSON

(087)

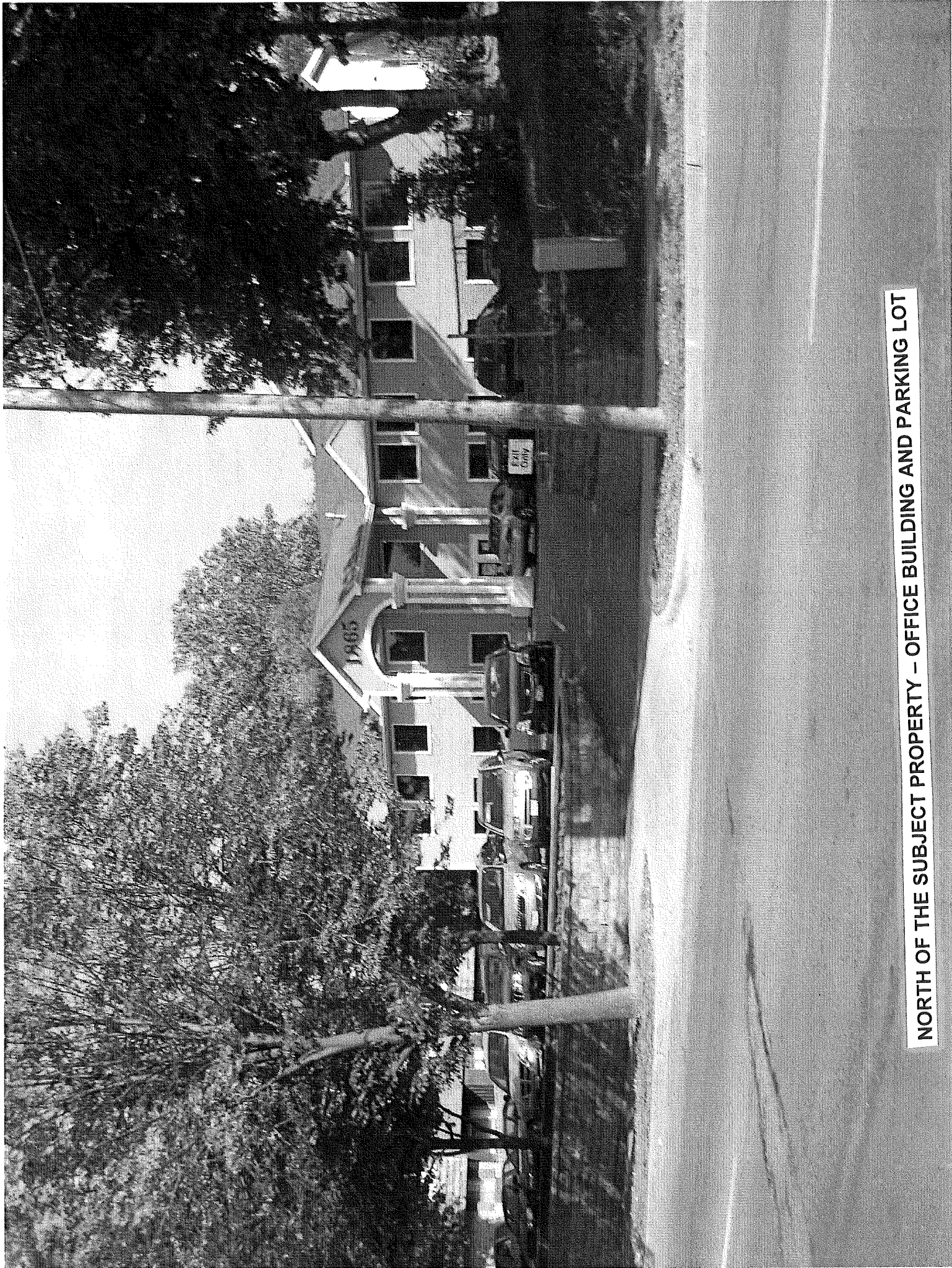
194



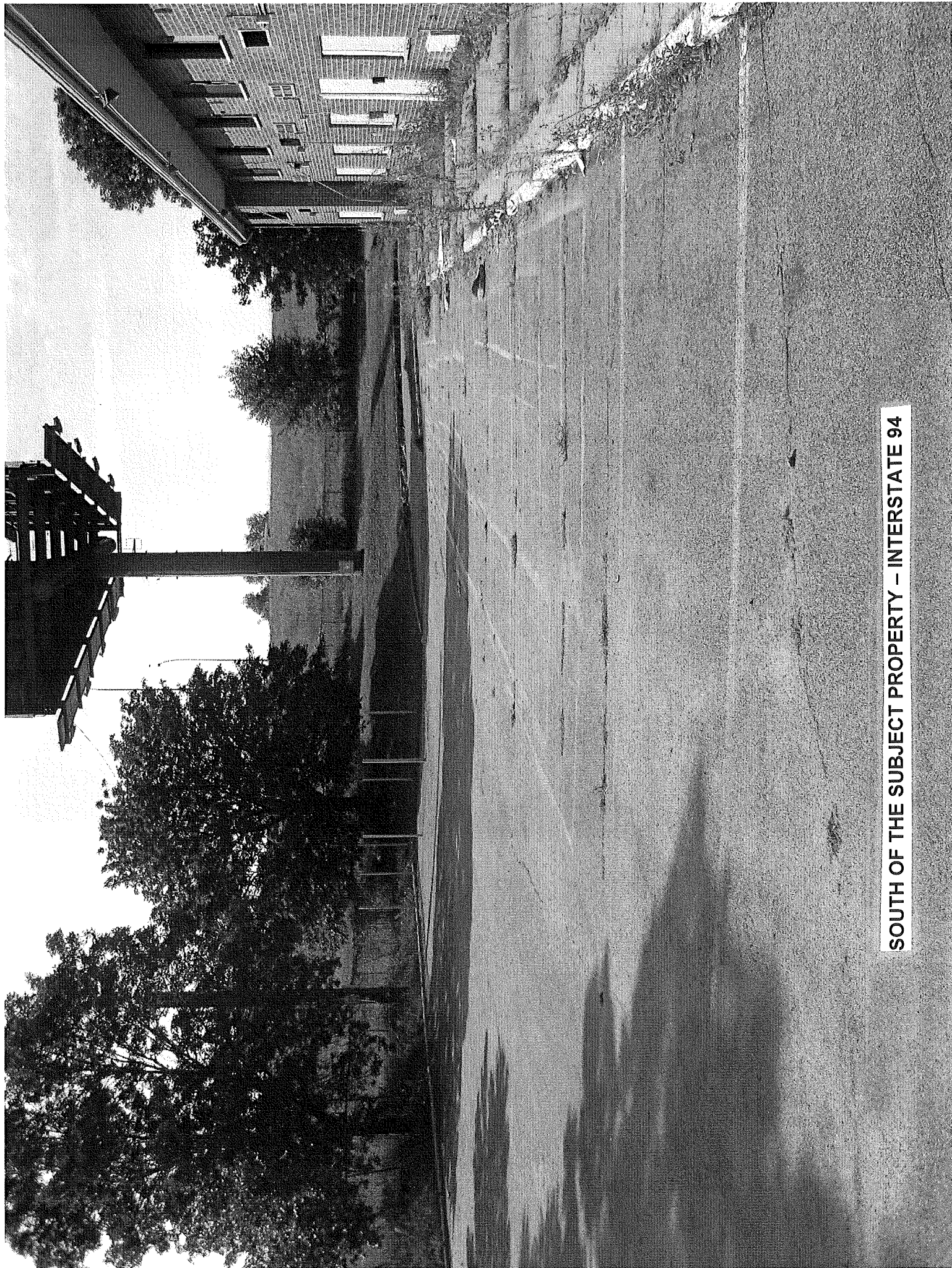
SITE OF THE PROPOSED ASSISTED LIVING/MEMORY CARE FACILITY



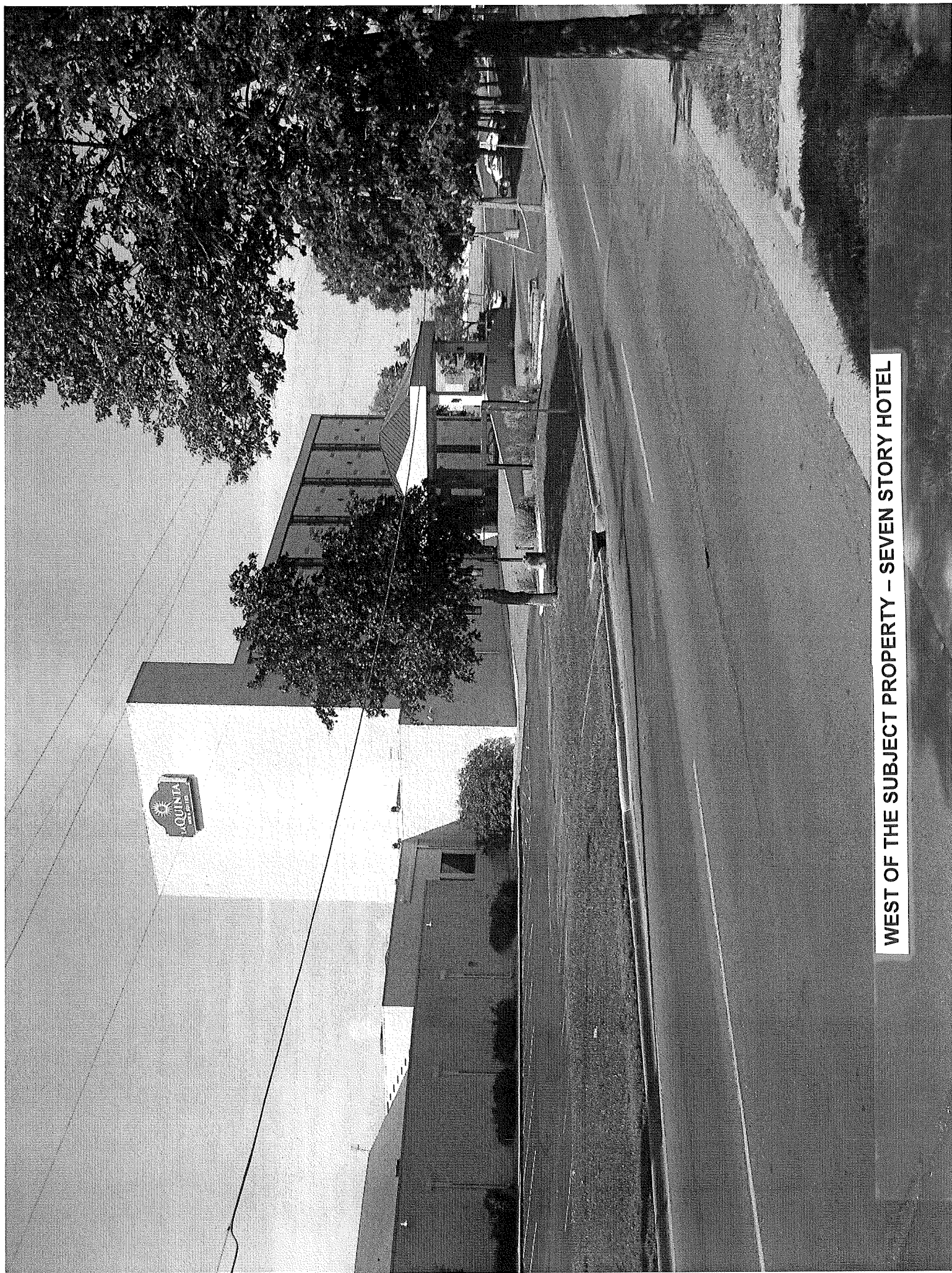
NORTH OF THE SUBJECT PROPERTY – OFFICE BUILDING AND PARKING LOT



NORTH OF THE SUBJECT PROPERTY - OFFICE BUILDING AND PARKING LOT



SOUTH OF THE SUBJECT PROPERTY – INTERSTATE 94

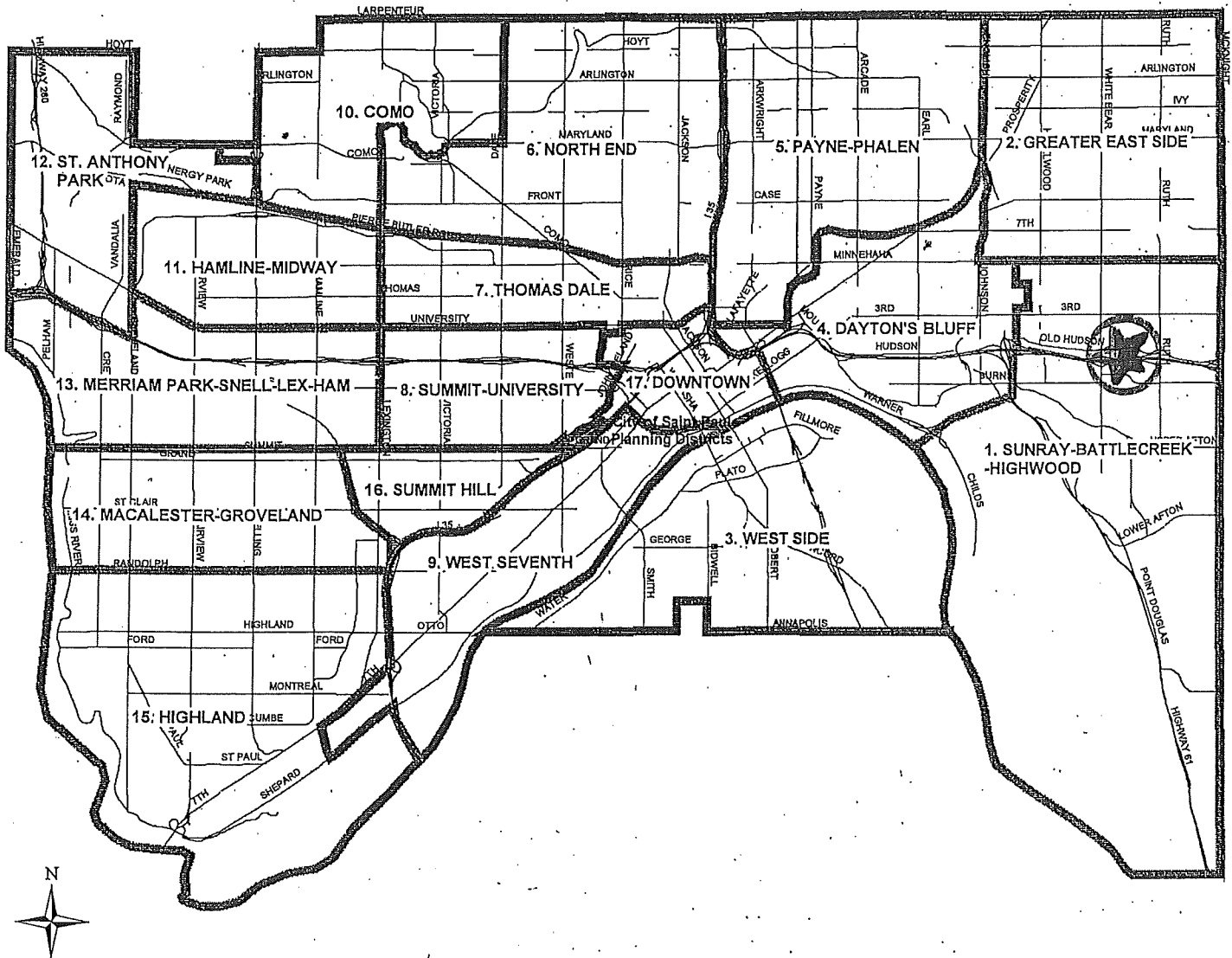


WEST OF THE SUBJECT PROPERTY – SEVEN STORY HOTEL



EAST PROPERTY LINE – LOCATION OF PARKING IN REQUIRED SIDE YARD

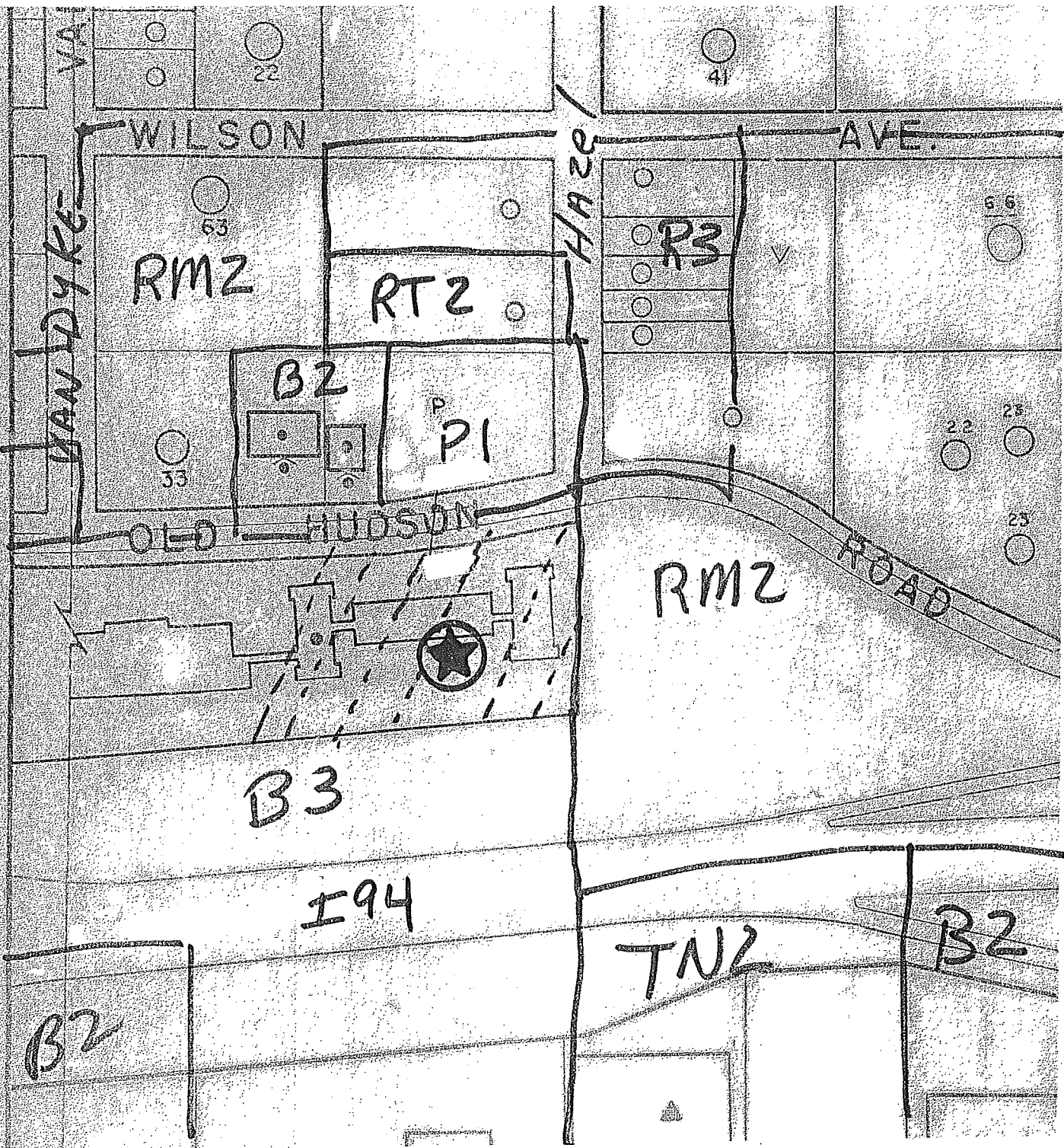
CITIZEN PARTICIPATION DISTRICTS



CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

09-252744



APPLICANT: Dr. Lee Chin
 PURPOSE: CUP w/ variances
 FILE # 09-252744 DATE 8-10-09
 PLNG. DIST. 1 MAP # 24
 SCALE: 1" = 400'



LEGEND

zoning district boundary

subject property

one family

two family

multiple family

commercial

industrial

vacant



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Lee Chen **FILE #:** 09-252-744
 2. **APPLICANT:** Lee Chen **HEARING DATE:** August 27, 2009
 3. **TYPE OF APPLICATION:** Conditional Use Permit & Variance
 4. **LOCATION:** 1880 Old Hudson Road, SW Corner at Hazel
 5. **PIN & LEGAL DESCRIPTION:** 352922320087, CHEN'S ADDITION LOT 2 BLK 1
 6. **PLANNING DISTRICT:** 1 **PRESENT ZONING:** B3
 7. **ZONING CODE REFERENCE:** § 65.180, §61.501; 61.601; 61.202(b)
 8. **STAFF REPORT DATE:** August 20, 2009 **BY:** Penelope Simison
 9. **DATE RECEIVED:** August 5, 2009 **60 DAY DEADLINE FOR ACTION:** October 4, 2009
-

- A. **PURPOSE:** Conditional Use Permit for assisted living facility in the RM2 Medium-Density Multiple-family Residential district and a variance to permit parking in a required side yard.
- B. **PARCEL SIZE:** 108509 sq. ft.
- C. **EXISTING LAND USE:** Vacant two-story motel
- D. **SURROUNDING LAND USE:**
North: Multiple-family residential, offices, parking (RM2, B2, VP1)
East: Vacant MN-DOT property (RM2)
South: Interstate highway (B3)
West: Seven-story hotel, parking (B3)
- E. **ZONING CODE CITATION:** §65.180 permits assisted living facilities subject to standards and conditions listed in §65.182; §61.501 lists general requirements for all conditional uses; §61.202(b) authorizes the planning commission to grant variances when related to permits, using the required findings of §61.601.
- F. **HISTORY/DISCUSSION:** When the Zoning Code was first established in 1975, the site was located in the ES district. Since the early 1980s, the site has been located in the B3 General Business district.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 1, in a letter dated August 12, 2009, states support for the Conditional Use Permit. It further states support for the variance for reduced parking spaces and suggests further reducing the numbers of spaces by 10, thus eliminating the need for a variance from the side yard setbacks.
- H. **FINDINGS:**
 1. The applicant proposes to construct and maintain an assisted living and memory care facility with 78 units. Three of the units will have two beds, for a total of 81 beds. The 67,000 s.f. building will be three stories, at a height of 45 feet. The applicant proposes to provide 34 parking spaces, located along the north perimeter of the building and in both the west and east side yards, adjacent to the property line.
 2. §65.180 permits assisted living facilities that follow the standards and conditions for nursing homes in §65.182. Standard and condition (a) is applicable to the proposed project; specifically, the yard requirements for multiple-family use in the district apply.
 3. §61.501 lists five standards that all conditional uses must satisfy:
 - (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The proposed zoning is consistent with the Comprehensive Plan. The current Land Use and Housing chapters of the Comprehensive Plan support the production of housing. The Housing chapter (Policy 5.2) promotes the development of housing that addresses new and emerging market needs and complements existing neighborhoods (Policy 5.2). The Land Use chapter (Policy 5.3.1) states that each of

the 17 planning districts should have life-cycle housing, including senior housing, so that people of all ages should be able to live conveniently in every part of the city. The preliminarily approved Housing and Land Use chapters of the Comprehensive Plan update also support the production of housing. The Housing chapter (Policy 2.18) promotes the expansion of housing choices for seniors, particularly in neighborhoods that are underserved. The Land Use chapter includes two policies, including promoting housing choices for people of all ages (Policy 1.39) and a range of housing types and values in each of the 17 planning districts. The District 1 plan summary, adopted in January 2004, lists as a City Action support for senior housing development and developments consistent with the Land Use chapter of the adopted Comprehensive Plan.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. There are two points of ingress and egress from Old Hudson Road into the site, each one adjacent to parking areas for the facility.
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. Multiple-family residential is the predominate land use on the north side of Old Hudson Road between White Bear Avenue on the west and Ruth Street on the east. The proposed project is a multiple-family residential development providing assisting living and memory care facilities for seniors that will be consistent with the existing character of the immediate neighborhood and not be detrimental to the public health, safety and general welfare.
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The proposed use, an assisted living and memory care facility, will not impede the normal and orderly development of multiple-family residential uses permitted in the RM2 district. The site plan and accompanying elevations depict a building design that is consistent with other RM2 medium density multiple-family residential developments throughout the surrounding community.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition can be met provided the Planning Commission approves a variance to permit parking in the required side yard setbacks. §66.321 of the zoning code requires a minimum side yard setback in the RM2 district equivalent to one-half the height of the building. The height of the proposed facility is 45 feet, requiring a side yard setback of 22 ½ feet. The applicant proposes a side yard along the east property line, set at an angle, that is 2 feet, 4 inches at its northernmost point and 32 feet, 5 inches at its southernmost point.

4. Section 61.601 sets out the required findings for a variance of the Zoning Code:

- (a) *The property in question cannot be put to a reasonable use under the strict provision of the code.*

The applicant had requested a variance to permit a reduction in required parking. Subsequent recalculation of the required parking indicates no variance is necessary. §63.207 of the zoning code requires one parking space for every three beds in a nursing home, plus one parking space for every two full-time equivalent day-time employees. The proposed facility will have 81 beds and 13 full-time equivalent day-time employees, requiring 34 parking spaces. The applicant proposes to provide 34 parking spaces.

While the portion of the property immediately adjacent to Old Hudson Road is relatively flat, the topography adjacent to the interstate highway on the south and the MN-DOT property on the east becomes increasingly steeper. This condition does not readily allow placement of parking in the rear yard setback.

- (b) *The plight of the landowner is due to circumstances unique to his property, and these circumstances were not created by the landowner.*

The topography of the site, which is increasingly steeper along the rear yard setback, presents difficulties in locating required parking spaces at the rear of the building.

- (c) *The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of Saint Paul.*

The intent of the code is to provide a reasonable distance between buildings in the RM2 district so that residents can have access to light and air, as well as to retain green space buffers between uses. Parking in the required side yard would eliminate the green space buffers. Required parking spaces would be located within the side yard setback adjacent to the east property line. The placement of the proposed assisted living facility, with a distance of 68 feet, 1 inch between the building and the east property line, will provide sufficient distance to buildings on adjacent properties so that residents of the facility will have access to light and air. A green space buffer is provided between the building and the west property line.

- (d) *The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area.*

The proposed variance to allow the placement of parking in the side yard setbacks will not impair the supply of air and light to the assisted living and memory care facility. The distance between the proposed facility and the east side yard setback is 68 feet, 1 inch. Within this area, adjacent to the end of the building, the applicant proposes to plant landscaping. The residential nature of the design of the proposed facility and the landscaping depicted on the site plan submitted by the applicant indicate the development will not alter the essential residential character of the surrounding community, nor diminish the establish property values of the area.

- (e) *The variance, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property.* Parking is required for medium-density multiple-family developments in the RM2 district; thus, approval of the variance will not permit a use that is not permitted in the RM2 district and will not alter the RM2 classification of the property.

- (f) *The request for a variance is not based primarily on a desire to increase the value or income potential of the parcel of land.* The request for a variance to permit required parking in the side yard setbacks is to provide parking for employees of the assisted living and memory care facility and visitors.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit for an assisted living facility in the RM2 Medium-Density Multiple-family Residential district and a variance of side yard setbacks to permit parking in the required side yard consistent with the revised site plan dated August 19, 2009.

**CONDITIONAL USE PERMIT APPLICATION**

Department of Planning and Economic Development

Zoning Section

1400 City Hall Annex

25 West Fourth Street

Saint Paul, MN 55102-1634

(651) 266-6589

Zoning office use only

File # 09-252744Fee: 250.00

Tentative Hearing Date:

8-27-09**APPLICANT**Name DR. LEE CHENAddress 23545 CRENSHAW BLVD., #102City TORRANCE St. CA Zip 90505 Daytime Phone 310.530.2388

Name of Owner (if different)

Contact Person (if different) GREG McDONALD Phone 612.338.0444**PROPERTY
LOCATION**Address / Location 1880 OLD HUDSON RD., ST. PAUL, MN 55119Legal Description LOT 2, BLOCK 1, CHEN'S ADDITIONCurrent Zoning B3

(attach additional sheet if necessary)

TYPE OF PERMIT:

Application is hereby made for a Conditional Use Permit under provisions of

Chapter 61, Section 500, Paragraph 501 of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

Concurrent with this Conditional Use Permit Application, we are petitioning to amend the current zoning from B-3 to RM-2 for a proposed senior assisted living center. A component of this center will include memory care units, which may be allowed within an RM-2 zoning district as a Conditional Use. The memory care use will be in substantial compliance with the Saint Paul Comprehensive Plan and subarea plans approved by the city council. Memory care is highly compatible, and a logical extension of the permitted assisted living center use.

☒ Required site plan is attached

Applicant's Signature

Date

8-4-09

City Agent

8-5-09



APPLICATION FOR ZONING VARIANCE

Department of Safety and Inspections

375 Jackson Street

Suite 220

Saint Paul, MN 55101-1806

General: 651-266-9008

Fax: (651) 266-9099

Zoning office use only

File Number

Fee \$

Tentative Hearing Date

Section(s)

City agent

APPLICANT

Name DR. LEE CHEN Company STARBOUND ST. PAUL HOTEL, LLC
Address 23545 CRENSHAW BLVD., #102
City DERRANCE St. CA Zip 90505 Daytime Phone 310-530-2388
Property Interest of Applicant (owner, contract purchaser, etc) OWNER
Name of Owner (if different) _____ Phone _____

PROPERTY INFORMATION

Address / Location 1880 OLD HUDSON RD., ST. PAUL, MN 55119
Legal Description LOT 2, BLOCK 1, CHEN'S ADDITION.
(attach additional sheet if necessary)
Lot Size 2.49 A Present Zoning B3 Present Use VACANT BLIGHTED BLDG.
Proposed Use PROPERTY WILL BE RE-ZONED TO RM-2 FOR SENIOR ASSISTED LIVING CENTER.

Variance[s] requested: 1) SIDE YARD PARKING SET BACK 2) REQUIRED PARKING REDUCTION

Variance Request #1: Side Yard Parking Setback

In order for the proposed senior assisted living center to be economically viable, the minimum number of living units must be provided. The proposed facility will be three (3) stories of Type VA wood frame construction. The resulting building footprint does not allow for 25 foot set backs on either side yard. Proposed side yard parking setbacks will be approximately 2-1/2 feet. Adjacent properties are a 7-story LaQuinta hotel to the West and open MNDOT land to the East.

Variance Request #2: Required Parking Reduction

The residents at assisted living centers generally do not drive. Therefore typical required parking totals do not make sense. We propose to provide parking for approximately 1/3 of the living units plus one (1) space for every two day shift employees or full time equivalents. This adds up to twenty five (25) spaces for the residents and twenty (20) spaces for the day shift staff for a total of forty five (45) provided parking spaces.

Attachments as required:

☒ Site Plan

☒ Attachments

☒ Pro Forma

Applicant's Signature

Lee Chen

Date

8-4-09

August 12, 2009

Department of Planning and Economic Development
City of Saint Paul
1400 City Hall Annex
25 W. 4th St.
St. Paul, MN 55102-1634

Re: 352922320087 – 1880 Old Hudson Rd.

The proposed project for an assisted living-memory care facility at 1880 Old Hudson Rd. has come before the District 1 Community Council on the following occasions:

- November 24, 2008 Board Meeting – 22 persons present
- May 14, 2009 Land Use Meeting (neighborhood flyer) – 15 persons present
- August 11, 2009 Land Use Meeting – 6 persons present

At the May meeting the Land Use Committee approved the concept of the Comforts of Home facility (with unanimous neighborhood approval), along with a proposed zoning change, with the stipulation that the final site plan come before the committee for approval.

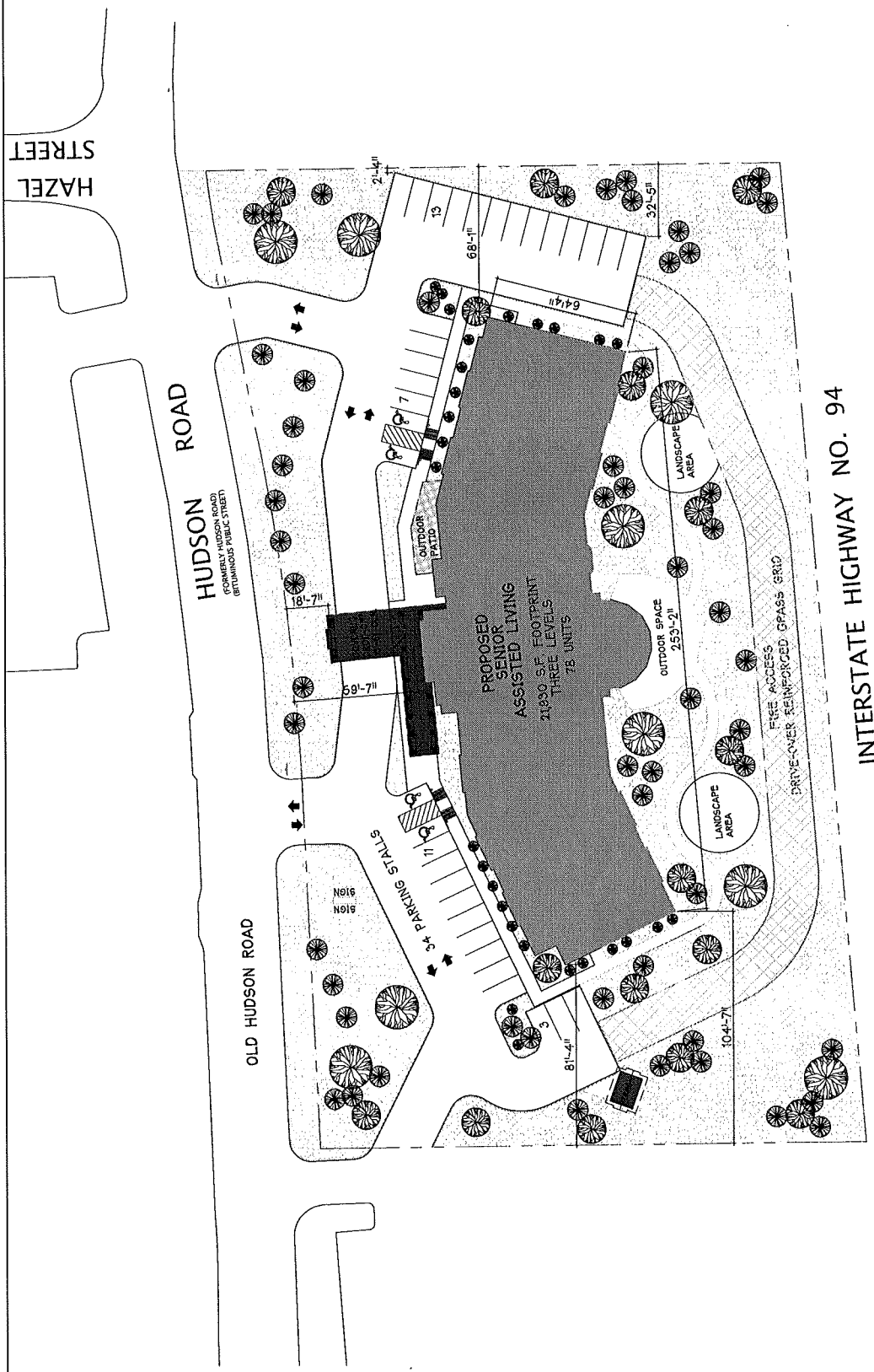
At the August 11 Land Use meeting, the committee unanimously voted to

- **Support the request for zoning change** from B-3 to RM-2 and the accompanying CUP
- **Support the proposed senior living site plan** in principal and basic design
- **Support the variance request for reduced parking spaces** with the suggestion that the number of proposed parking spaces be further reduced by at least 10 spaces, specifically those on the west side of the building, thereby **eliminating the need for the variance request for side yard parking setback**.

The committee felt that the need for parking is still overstated by the applicant. The committee recognizes that the site, with its proximity to the hotel at 1870 Old Hudson Rd, presents some limitations on design, but these limitations can be ameliorated by removal of the west side parking. Despite the committee's general position that parking at the rear of the building is generally preferred in a residential area, it believes that the nature of the operation allowed by the CUP involves some security concerns for residents. These concerns might discourage parking being placed at the rear of the building with more greenspace located along Old Hudson Rd.

Respectfully submitted by,

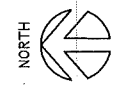
Betsy Leach
For the Land Use Committee



19 AUGUST 2009

Comforts of Home

COMFORTS OF HOME
ST. PAUL SITE PLAN
NOT TO SCALE



F.R.I.S.B.I.E.
ARCHITECTS, INC.
213 N. Second St., Suite 204 • Saint Paul, MN 55102

PRELIMINARY SET
NOT FOR CONSTRUCTION

F.R.I.S.B.I.E.
ARCHITECTS

COMFORTS OF HOME
Pk LIVING
ST. PAUL, MN
PROJECT NO.

A1

COMFORTS OF HOME
PROPOSED
SENIOR
LIVING
ST. PAUL, MN
PROJECT NO.

F.R.I.S.B.I.E.
ARCHITECTS

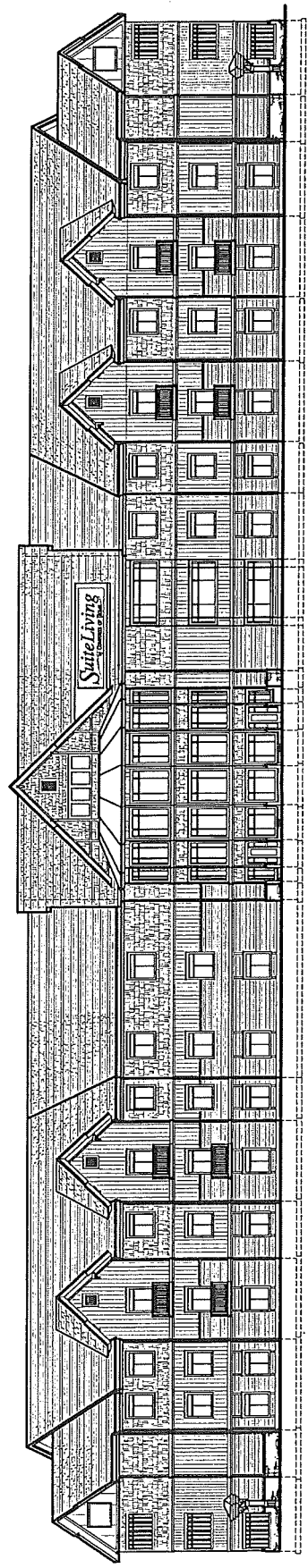
PRELIMINARY SET
NOT FOR CONSTRUCTION

14 JULY 2009

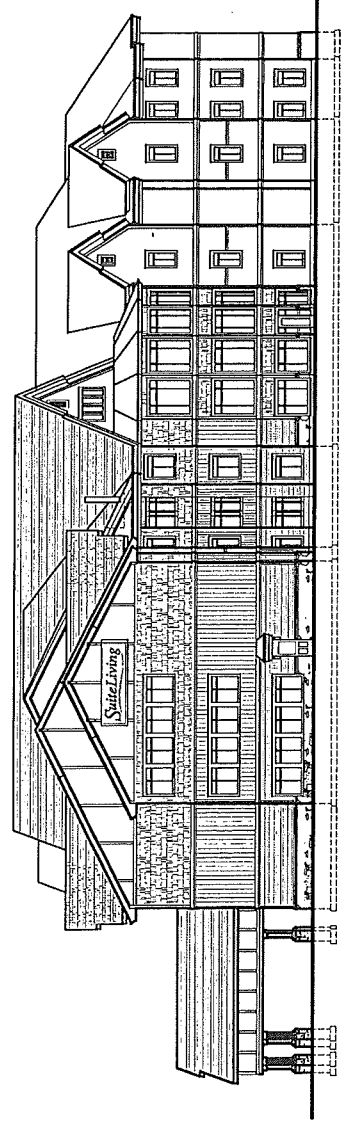
F.R.I.S.B.I.E.
ARCHITECTS, INC.
217 N. Second St., Suite 204 | River Falls, WI 54022

COMFORTS OF HOME
EXTERIOR ELEVATIONS
SCALE: 3/32" = 1'-0"

13 SOUTH EXTERIOR ELEVATION
SCALE: 3/32" = 1'-0"



12 WEST EXTERIOR ELEVATION
SCALE: 3/32" = 1'-0"



PRELIMINARY SET
NOT FOR CONSTRUCTION

R.I.S.B.I.E
ARCHITECTS

COMFORTS
OF HOME

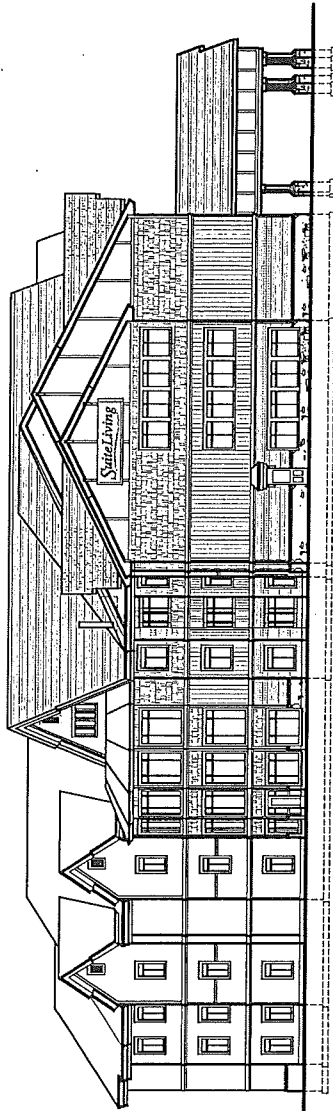
PROPOSED
SENIOR
LIVING

ST. PAUL, MN

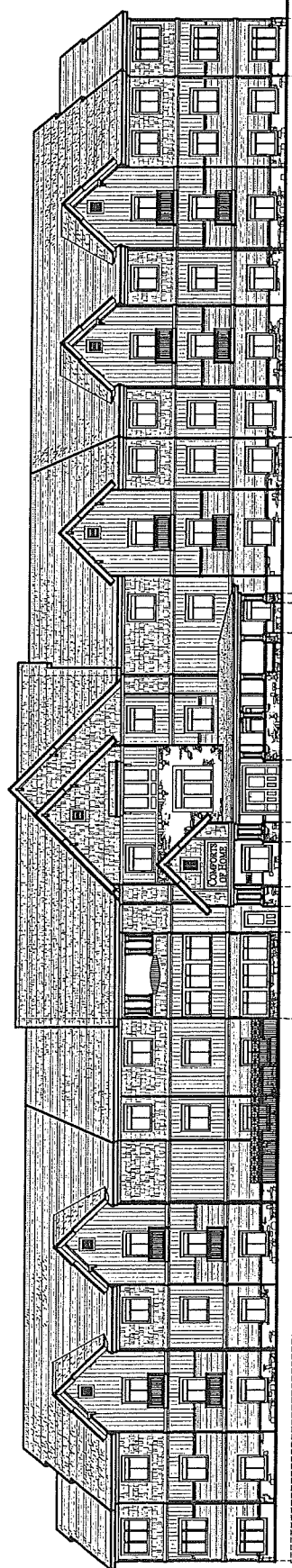
PROJECT NO.

A31

6 AUGUST 2008



① EAST EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



② NORTH EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"

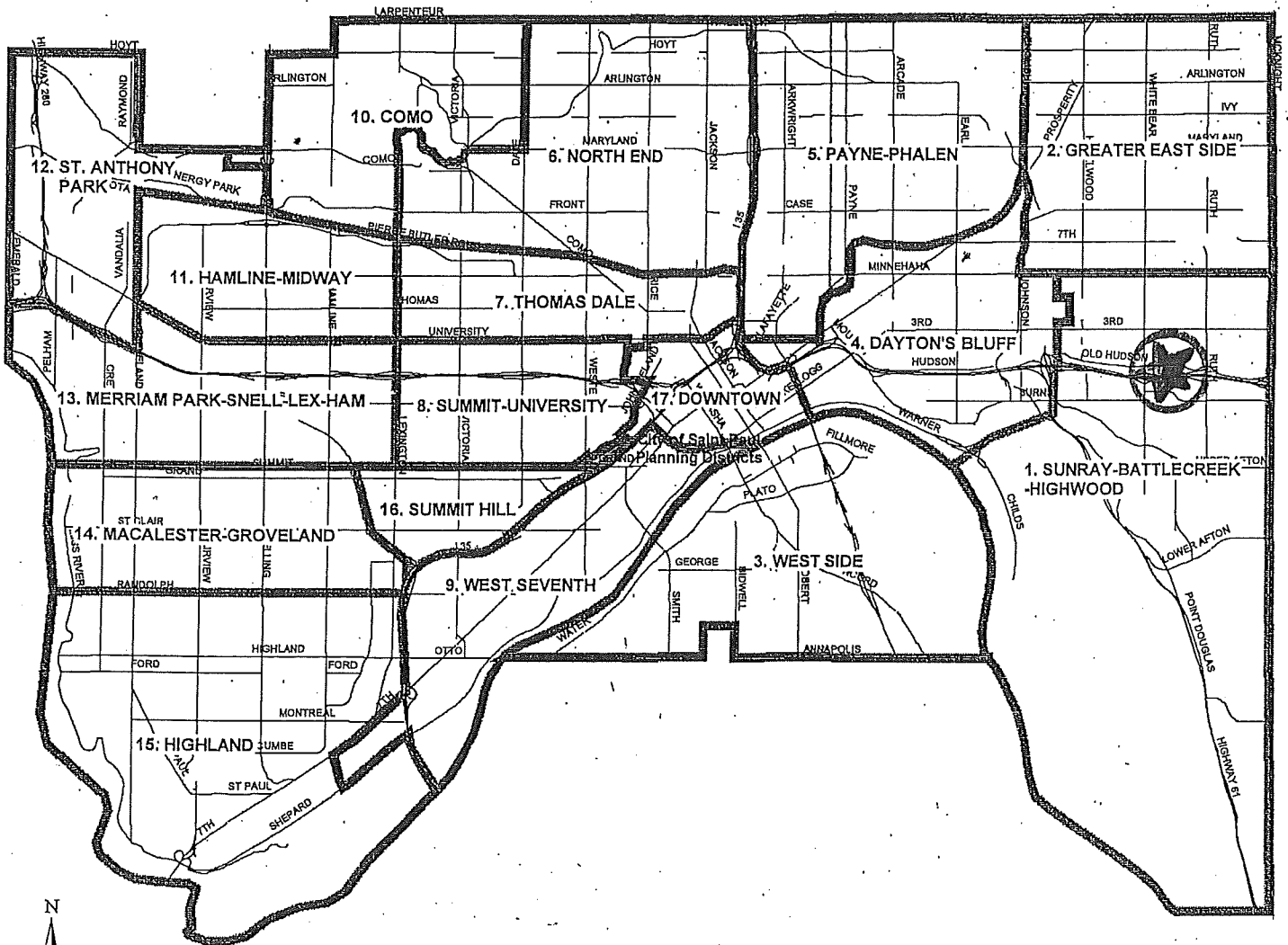
COMFORTS OF HOME EXTERIOR ELEVATIONS

14 JULY 2008



R.I.S.B.I.E
ARCHITECTS, INC.
215 N. Second St., Suite 201 | New Falls, WI 54022

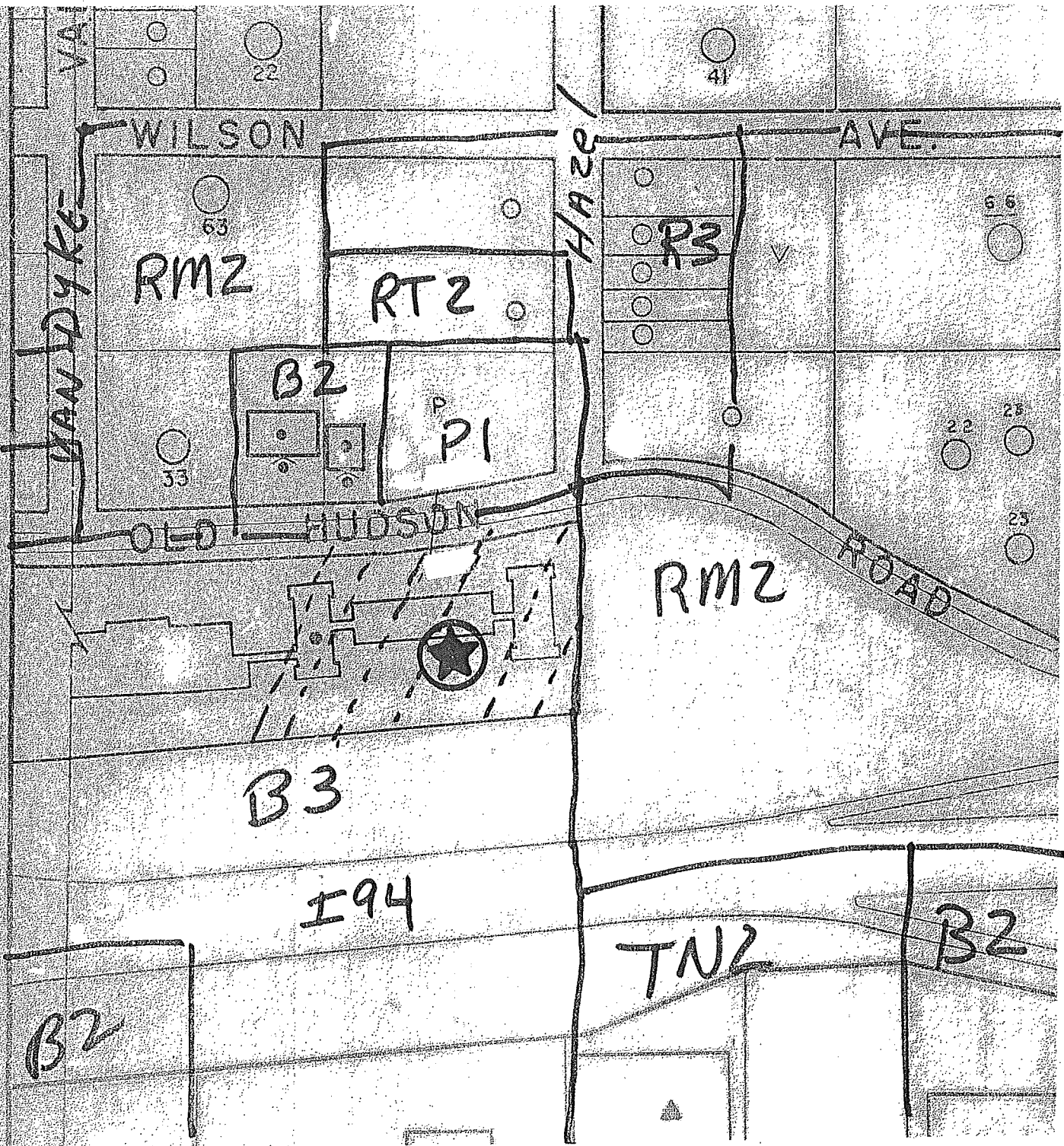
CITIZEN PARTICIPATION DISTRICTS



CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#09-252744



APPLICANT: Dr. Lee Chin
 PURPOSE: CUP w/ variances
 FILE # 09-252744 DATE 8-10-09
 PLNG. DIST. 1 MAP # 24

SCALE: 1" = 400'



LEGEND

zoning district boundary

subject property

one family

two family

multiple family

commercial

industrial

vacant



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Keeprs **FILE #** 09-226-313
 2. **APPLICANT:** Keeprs **HEARING DATE:** August 27, 2009
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 1055 Westgate Drive, NW corner of Westgate Drive and U of M Transitway
 5. **PIN & LEGAL DESCRIPTION:** 292923230042, NORTHERN STAR ADDITION LOT 1 BLK 1
 6. **PLANNING DISTRICT:** 12 **PRESENT ZONING:** I1
 7. **ZONING CODE REFERENCE:** §65.520; §61.501; §61.502
 8. **STAFF REPORT DATE:** August 13, 2009 **BY:** Sarah Zorn
 9. **DATE RECEIVED:** August 6, 2009 **60-DAY DEADLINE FOR ACTION:** October 5, 2009
-

- A. **PURPOSE:** Conditional Use Permit for a gun shop retailing to law enforcement with modification of distance requirement from residentially zoned property
- B. **PARCEL SIZE:** Irregular parcel; 75,676 sq. ft.
- C. **EXISTING LAND USE:** W-Office/Warehouse
- D. **SURROUNDING LAND USE:**
 - North: Railroad (I2)
 - East: Highway 280 (I1)
 - South: Light Industrial (I1)
 - West: City of Minneapolis and industrial property
- E. **ZONING CODE CITATION:** §65.520 lists standards and conditions for gun shops and shooting galleries; §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. **HISTORY/DISCUSSION:** There is no zoning history specific to this property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 12 Council passed a resolution recommending approval of the application.
- H. **FINDINGS:**
 1. The applicant is proposing to continue operations as a law enforcement equipment distribution center but wishes to add a retail component, which requires a conditional use permit.
 2. The business, Keeprs, supplies duty firearms for a specified group of individuals in various law enforcement professions. The majority of sales are shipped directly from the manufacturer to the customer. However, some sales will take place on site as some departments require officers to purchase their own firearm or a back up firearm. The applicant states that approximately 40 firearms will be kept in stock at one time. During business hours some firearms will be displayed in a locked display case, while the others will be in the business' high security safe. After hours all firearms will be locked in the safe.
 3. §65.520 lists standards and conditions for gun shops and shooting galleries.
 - Standards and conditions:*
 - (a) *The gun shop or shooting gallery shall be located at least one thousand (1,000) radial feet from any residentially zoned property and from any "protected use," defined as: a group day care center which has a business sign indicating this use; a house of worship; a public library; a school (public, parochial or private elementary, junior high or high school); a public regional park or parkway, public park, public recreation center or public specialized recreation facility as identified in the parks and recreation element of the Saint Paul Comprehensive Plan. The distance shall be measured in a straight line from the closest point of the property line of the building in which the gun shop is located to the closest point of the property line of the protected use. Keeprs is located within 1,000 feet of eleven residentially zoned parcels located east of Highway 280 and on the west side of Cromwell Avenue. The*

- properties range from single family homes to multifamily buildings containing approximately 50 units. The applicant is therefore requesting a modification of this requirement. No other protected use is within 1,000 feet of the Keepers parcel.
- (b) *The gun shop or shooting gallery shall meet the required firearms dealers security standards as mandated by Minnesota Statutes, section 624.7161.* This condition is met. The applicant is a federally-licensed firearms distributor and meets State standards.
4. §61.501 lists five standards that all conditional uses must satisfy:
- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The District 12 plan supports vibrant commercial areas and the Comprehensive Plan is generally supportive of maintaining existing businesses.
 - (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The use is located in a multi-tenant building at the terminus of Westgate Drive. Ingress and egress will be by employees and those accessing area businesses, and is sufficient for the applicant's business.
 - (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition can be met. The business itself will not impact the existing industrial character of the area. However, the intent of the 1,000 foot distance requirement, in Section 65.520, from residentially zoned property is to ensure the protection of public health, safety and general welfare. The applicant has requested a modification of this requirement on the basis that the residential zones are located on the opposite side of Highway 280 and will not be endangered as a result of the approval of this conditional use permit. The applicant states that the presence of the business' clientele can be seen as a benefit to the area.
 - (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use is immediately surrounded by industrial land uses and will not preclude uses allowed in industrial districts.
 - (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. Gun shops are permitted in the I1 district with a conditional use permit.
5. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* The applicant is requesting a modification of the gun shop standard requiring 1,000 feet between the parcel on which the shop is located and residentially zoned property. Both Highway 280 and changes in grade act as significant barriers between the business and residentially zoned property. In addition, the applicant's limited clientele and the fact that they do not retail to the general public ensures the protection of public health, safety and general welfare. The location of the business is relatively secluded and will have no significant impact on nearby property.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional use permit for a gun shop subject to the condition that the applicant limits its sales and distribution to the list of individuals and agencies submitted and on file at the time of application.



CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only	
File #	09-217708
Fee	750.00
Preliminary Hearing Date	8-13-09

PD = 12

#292923230042

APPLICANT

Name KEEPRS Metro, LLC
Address 1055 Westgate Dr. Suite 160
City St. Paul St. MN Zip 55114 Daytime Phone 651-288-5199
Name of Owner (if different) Wendy Klinefelter Trajai
Contact Person (if different) John Trajai Phone same

PROPERTY LOCATION

Address / Location 1055 Westgate Dr. Suite 160
Legal Description _____
Current Zoning I-1
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
Chapter 65, Section 520, Paragraph _____ of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

See Attached.

☐ Required site plan is attached

Applicant's Signature John Trajai Date 7-10-09 City Agent pdh
7-22-09

July 16, 2009



KEEPRS is a law enforcement equipment distributor that sells to local, state, and federal law enforcement agencies, fire departments, and EMS agencies. Currently, we have three locations (St. Paul, St. Cloud, and Duluth). Our St. Paul facility is located at 1055 Westgate Drive Suite 160 and serves as the Distribution Center for our entire fulfillment operations. Our location is very remote, located at the northern most end of Westgate drive. Because of this, most civilians are not aware of us, or our location. Our primary customer base is official law enforcement and fire department personnel.

KEEPRS was approached approximately two years ago by Glock, the leading manufacturer of duty firearms for law enforcement agencies throughout the United States. Glock approached KEEPRS to become the second distributor in the State of Minnesota because they felt they were not being properly represented by their other distributor located in Plymouth. KEEPRS has been working closely with Glock over the past two years to develop a positive business relationship that would be beneficial not only to Glock and KEEPRS, but also to the State of Minnesota and City of St. Paul. Recently, Glock and KEEPRS entered into a distributor agreement which authorizes KEEPRS as one of their Law Enforcement Dealers. This agreement only authorizes KEEPRS to sell to law enforcement (and related) personnel. I have attached a document of who makes up this list for your records.

Most firearm sales would be shipped directly from Glock to the police departments. However, there are departments that require their officers to purchase their own duty firearm, backup firearm, and/or off duty firearm. It is for those individuals that we would need to maintain proper inventory levels, and display a part of that inventory at our St. Paul location.

Approximately two months ago, KEEPRS received our Federal Firearms License from the Bureau of Alcohol, Tobacco, and Firearms (ATF), and has started selling firearms at our St. Cloud store. It was during this time that we realized zoning for our St. Paul location did not allow the sale of firearms without a Conditional Use Permit.

If granted a Conditional Use Permit:

- KEEPRS would only sell to individuals listed on the attached document (law enforcement).
- All Firearms would be locked at all times in a high security safe located in the back warehouse. Approximately six to ten different styles of firearms would be held in a locked display cabinet during business hours, and then returned to the high security safe at the end of the business day. A total of approximately 40 firearms would be kept in stock.
- KEEPRS would maintain our current alarm system which includes door entry and motion.
- KEEPRS would maintain proper documentation and follow all State and Federal firearms guidelines.

KEEPRS has invested a significant amount of money to inventory Glock firearms, and not receiving this Conditional Use Permit would be detrimental to our company. The St. Paul Police Department issues Glock as the official duty weapon, so the community will see more police traffic in the area due to more police officers visiting KEEPRS to purchase their firearms. We believe that the above documentation supports all of the applicable standards required and set forth in Section 61.501 of the St. Paul Zoning Code, and therefore, ask that you approve our Conditional Use Permit to allow the sale of firearms to our law enforcement customers.

Sincerely,

John Tragiai
President

St. Cloud
1000 S. Benton Drive, Suite 420
Sauk Rapids, MN 56379
320-529-9585 Fax 320-529-9587

Duluth
4151 Haines Rd.
Hermantown, MN 55811
218-727-1556 Fax 218-727-2672

Twin Cities
1055 Westgate Drive, Suite 160
St. Paul, MN 55114
651-288-5199 Fax 651-645-7478

RECEIVED

AUG 06 2009



August 6, 2009

Dear City of St. Paul Zoning,

I am submitting this letter to serve as formal written documentation from KEEPRS requesting a modification to 65.520 regarding needing to have a distance of 1000 feet from any residentially zoned property in order to sell firearms to our law enforcement customers. Having a major Highway such as Hwy 280, as well as the entire Westgate development between KEEPRS and the residentially zoned area, provides a physical barrier that naturally creates a buffer between any true residential area, and the area that KEEPRS is in. Furthermore, KEEPRS is at the farthest most end of Westgate Drive and would only sell to those individuals on the approved list that accompanied our application.

Please attach this letter along with our application to be considered for the conditional use permit.

Sincerely,

John Tragiai

John Tragiai
President

GLOCK, Inc.

U.S.A.



8362 Tamarack Village – Suite 119-303
Woodbury, MN 55125 U.S.A.

TEL (651) 735-2855
FAX (651) 735-2856

**City of St. Paul Zoning
1400 City Hall Annex
25 West Fourth Street
St. Paul, Minnesota 55102**

Letter

From: Warren Ackerson

Date: 7/16/2009

Page(s): 1

Dear sirs,

Please permit me to introduce myself. I am Warren Ackerson, the GLOCK District Manager for Minnesota, Iowa, North and South Dakota. I am retired from the Washington County Sheriff's Office in Stillwater, Minnesota and I now have the pleasure to represent GLOCK, the finest line of law enforcement pistols in the world.

I am pleased inform you that KEEPRS has been added as a GLOCK Law Enforcement Distributor for the State of Minnesota. GLOCK is very particular about who handles our law enforcement accounts and therefore GLOCK has not added a Law Enforcement Distributor anywhere in the nation for several years.

I have observed that KEEPRS has demonstrated a sound business strategy and they have gained a reputation for providing excellent service to the law enforcement community in Minnesota. The stature that KEEPRS has attained in providing law enforcement equipment is rooted in a responsible business model and a commitment to superior service and integrity. These character traits have now earned KEEPRS the position of presenting the GLOCK line.

GLOCK, Inc., is located in Smyrna, Georgia and is the leading manufacturer of law enforcement pistols in the United States. Nationwide approximately 75% of law enforcement officers carry the GLOCK pistol, and in Minnesota approximately 90% of officers carry the GLOCK. The St. Paul Police Department has issued GLOCK pistols since 1988 and I am confident that you will find that they are very satisfied with the GLOCK line.

During the last four years with GLOCK, I have come to know and respect the people who operate KEEPRS and the manner in which they do business. I can recommend KEEPRS and their staff without reservation as a fine business that will present the GLOCK line with integrity.

I am confident that you will find that KEEPRS will conduct their business in St. Paul with the highest ideals of integrity and they will afford a local service opportunity to the St. Paul Police Department and surrounding police agencies.

Please feel free to contact me with any questions.

Sincerely,

Warren Ackerson

Office: 651-735-2855
Cell: 612-208-5219

GLOCK, Inc.

**2008
Authorized LE/Federal
Customer List**



GLOCK Factory-Authorized Law Enforcement DEALERS can sell (“sub-distribute”) GLOCK “Blue Label” Law Enforcement Pistols to the following purchasers:

- All sworn Law Enforcement (L.E.) officers, including State, County, & City
- All Federal L.E. officers (FBI, US Marshal, DEA, etc.)
- All Corrections Officers, including Parole and Probation Officers
- All Retired L.E. officers with "retired" credentials, incl Federal, State, County, & City
- State licensed Security Companies (Loomis Fargo, RAM, Securitas, etc.)
- State licensed Security Officers
- Active military personnel – all branches
- National Guard personnel – all branches
- Military Reserve personnel – all branches
- Legitimately retired military veterans, with “retired” military I.D.
- All TSA employees
- Licensed Para-Medics and EMTs
- Fire Fighters (including volunteers) with appropriate I.D.
- Com'l pilot license holders, regardless of class, & Federal Flight Deck Officers
- Court Judges
- District Attorneys and Deputy District Attorneys.
- Law Enforcement Academy Students, with student I.D. & letterhead

St. Anthony Park Community Council/District 12
890 Cromwell Avenue, Saint Paul, MN 55114
651/649-5992 TSL 651/649-5993 FAX www.sapcc.org

ST. ANTHONY PARK



August 17, 2009

Sarah Zorn
Planning and Economic Development
25 West Fourth Street
Saint Paul, MN 55102

Dear Ms. Zorn:

I am writing on behalf of the St. Anthony Park Community Council to express the support of the St. Anthony Park Community Council for the Conditional Use Permit to sell guns to law enforcement for the property at 1055 Westgate Drive. The Board of Directors passed a resolution in favor of approval on August 13th.

On behalf of the SAPCC, I send thanks for your consideration.

Thank you,

A handwritten signature in cursive script that reads "Renee Lepreau".

Renee Lepreau, Community Organizer
St. Anthony Park Community Council



Westgate Business Center 1055 Westgate Dr.





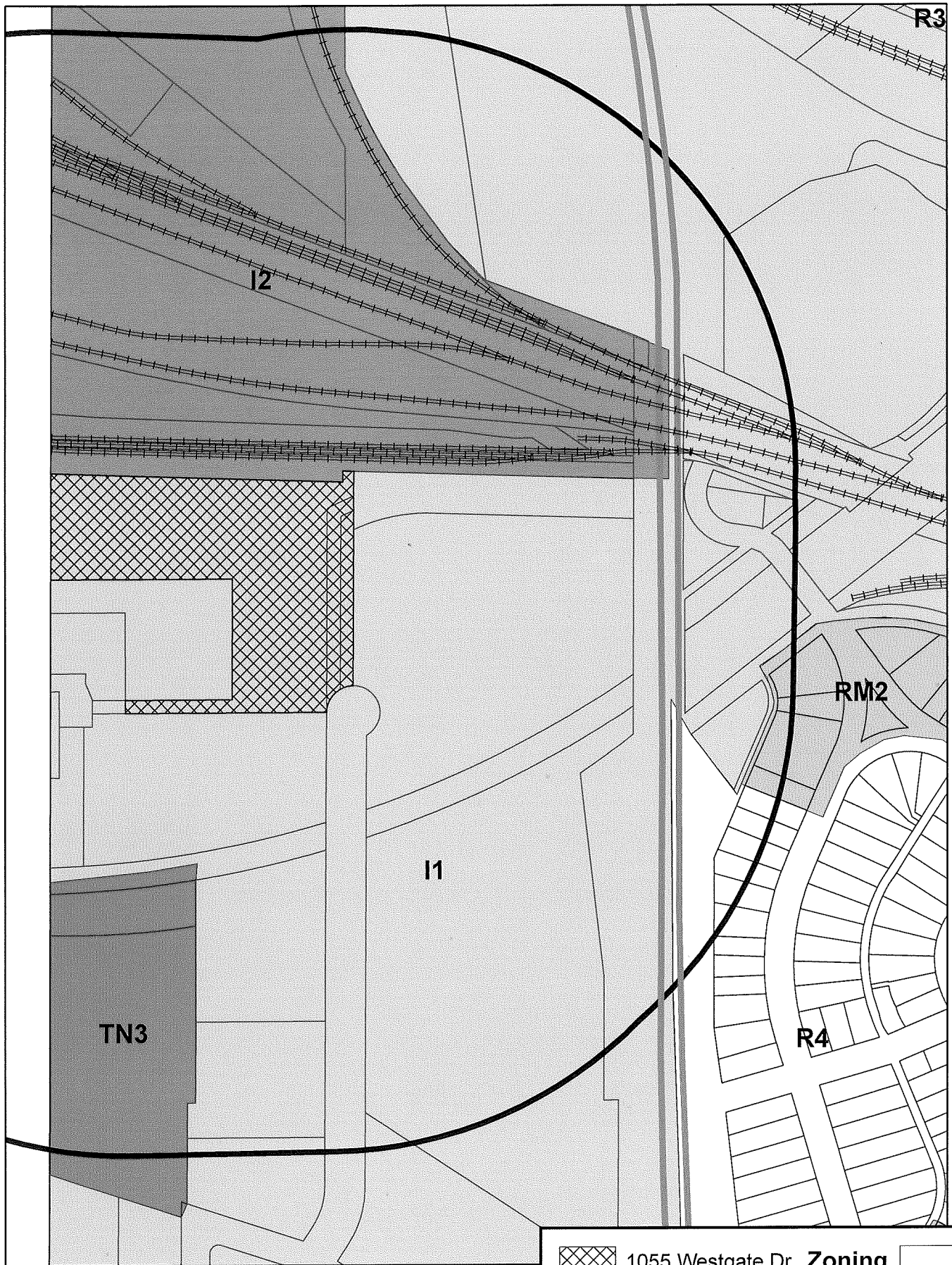
Looking south on Westgate Dr.










Industrial building to the south



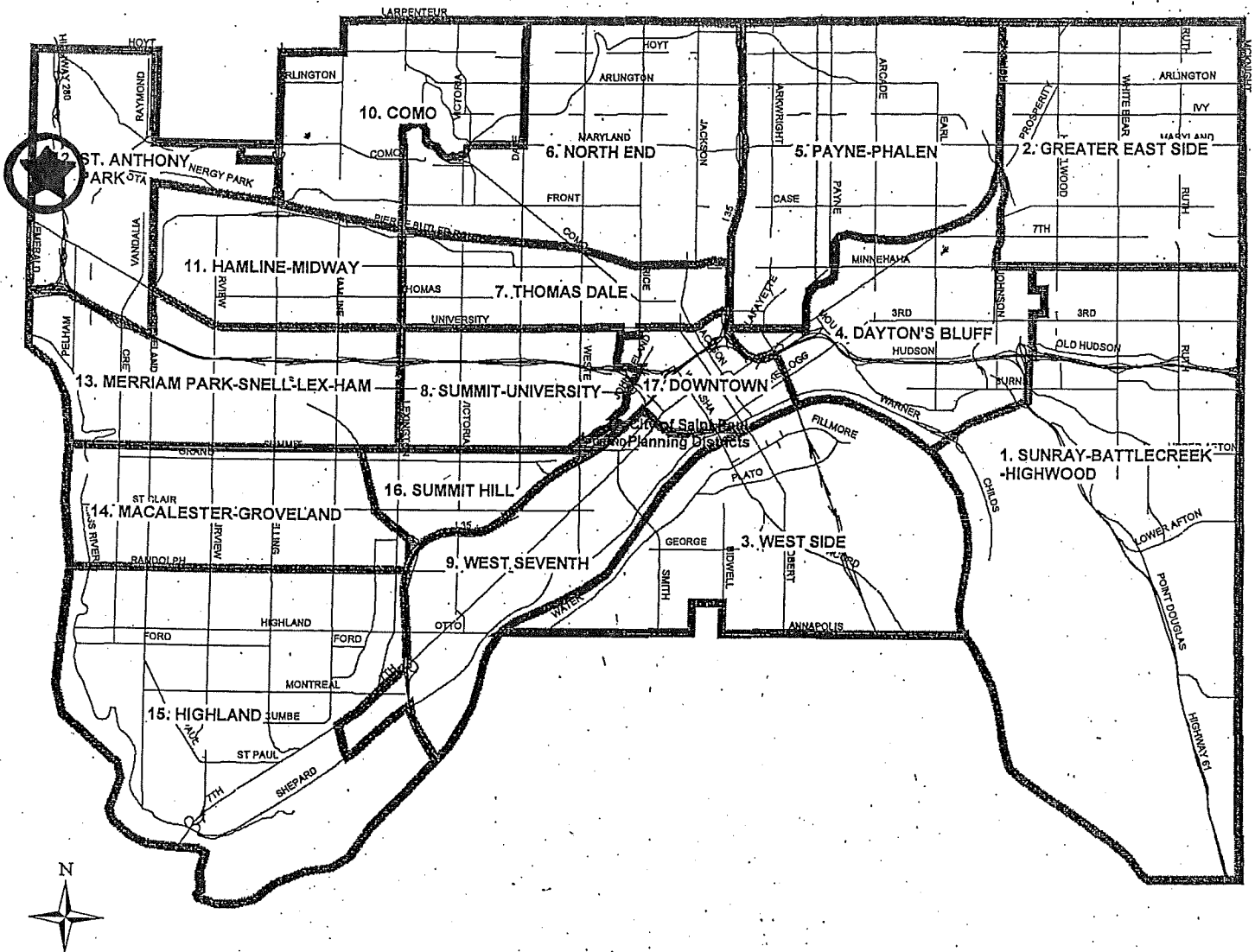
JPI Student housing to the south



	1055 Westgate Dr.	Zoning		R4		
	1,000 ft. Buffer			I1		RM2
				I2		TN3

Keepers Metro LLC
ZF#09-226-313

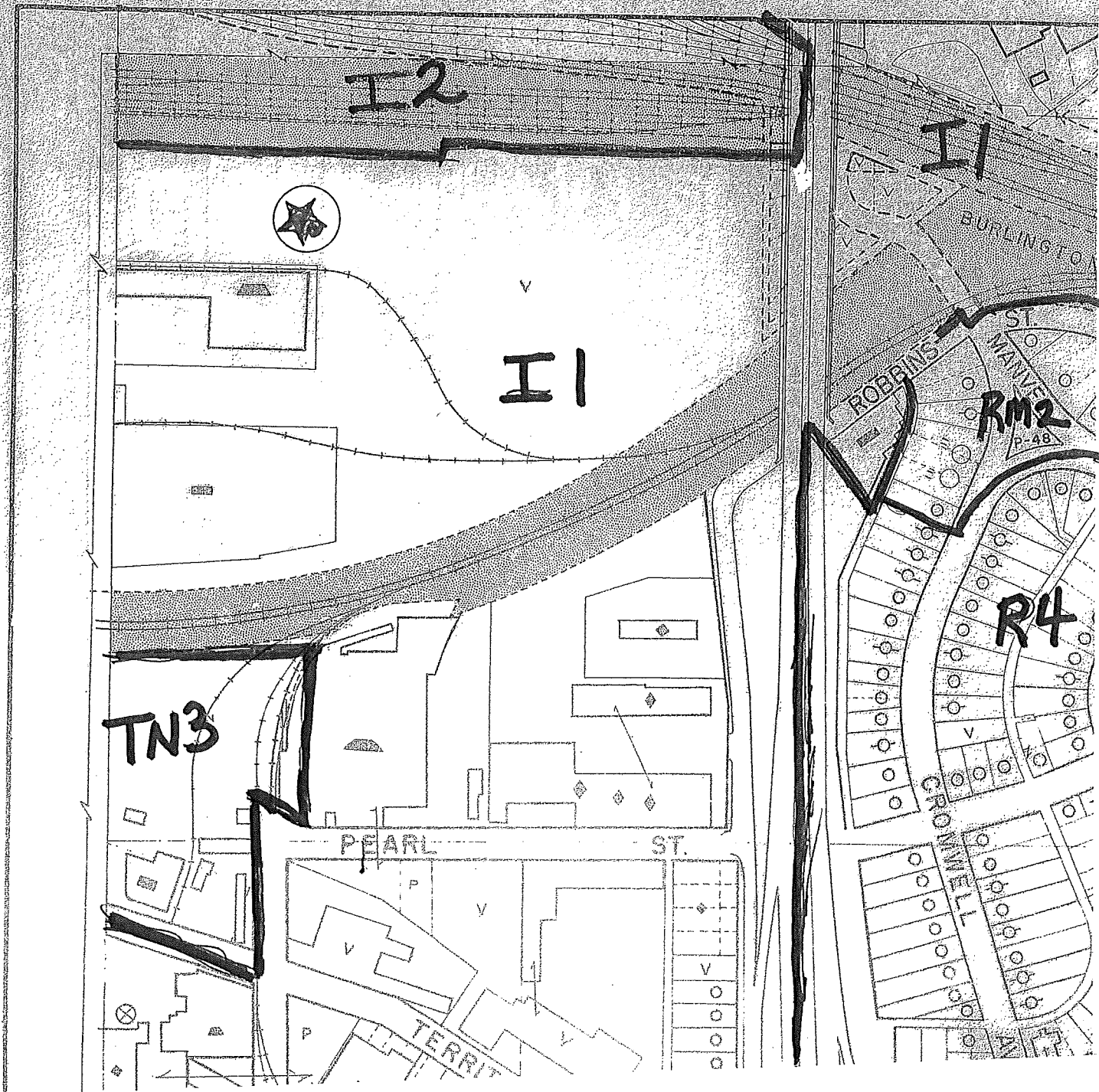
CITIZEN PARTICIPATION DISTRICTS



CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

09-226313



APPLICANT Keepers
 PURPOSE CEP
 FILE # 09-217708 DATE 7-29-09
 PLNG. DIST 12 MAP # 9

SCALE 1" = 400'



LEGEND

zoning district boundary

subject property

one family
 two family
 multiple family

north
 commercial
 industrial
 vacant

ZONING COMMITTEE STAFF REPORT

FILE # 08-083992

1. **PROPERTY OWNER:** David Brooks **HEARING DATE:** 8/27/09
 2. **TYPE OF APPLICATION:** Noncompliance with an approved site plan
 3. **LOCATION:** 2057 Laurel Avenue
 4. **PIN & LEGAL DESCRIPTION:** 042823220080 and 042823220081
Merriam Park Second Addition Lots 8 and 9 Block 13
 5. **PLANNING DISTRICT:** 13 **PRESENT ZONING:** RT1
 6. **ZONING CODE REFERENCE:** 61.108
 7. **STAFF REPORT DATE:** 8/18/09 **BY:** Tom Beach
 8. **DATE RECEIVED:** **DEADLINE FOR ACTION:**
-

- A. **PURPOSE:** Notification to the Planning Commission of a parking lot that was not constructed as shown on the site plan that was approved by City staff.
- B. **PARCEL SIZE:** 15,000 square feet (100' x 150')
- C. **EXISTING LAND USE:** 12-unit apartment building and restaurant
- D. **SURROUNDING LAND USE:**
North: Single family and duplex residential (RT1)
East: Single family and duplex residential (RT1)
South: Single family and duplex residential (RT1)
West: St. Thomas University (R2)

E. **ZONING CODE CITATIONS:**

Section 61.108. Conditions violated, permit revocation.

The zoning administrator shall notify the planning commission when a development covered by a permit or other matter is not in compliance with any of the conditions imposed upon such use permit. The commission may, at a public hearing, following notice to the owner of subject property and other adjacent property owners as specified in section 61.303(c), and upon determination that the conditions imposed by such approval are not being complied with, revoke the authorization for such approval and require that such use be discontinued. The commission, in lieu of revoking the permission, may impose additional conditions, modify existing conditions, or delete conditions which are deemed by the commission to be unnecessary, unreasonable or impossible of compliance.

Section 63.313 Visual screening

For off-street parking facilities which adjoin or abut across an alley, a residential use or zoning district, a visual screen shall be provided and maintained as required in section 63.114, Visual screens.

Section 63.316 Paving

All parking spaces, driveways and off-street parking facilities shall be paved with asphalt or

other durable, dustless surfacing or of material comparable to the adjacent street surfacing in accordance with other specifications of the zoning administrator. The parking area shall be paved within one (1) year of the date of the permit.

F. **HISTORY:** The building on the site has 12 apartments and a restaurant. The restaurant is a nonconforming use. In 2005 the Planning Commission approved a Change in Nonconforming Use Permit to permit beer as well as wine on the menu.

G. **DISTRICT COUNCIL RECOMMENDATION:** Staff had not heard from the District Council at the time the staff report was mailed out.

H. **FINDINGS:**

1. On May 30, 2008, David Brooks, the property owner, applied for site plan review for a new parking lot. The parking lot was for use by the residents in the apartment building on the property.

2. On June 11, 2008, DSI staff approved a site plan that shows the following:

- The parking lot would be located next to the side of the building.
- The parking lot would be paved with bituminous.
- Stormwater would drain to the alley.
- The parking lot would have 6 parking spaces.
- A 6' privacy fence would be built on the east property line and along the south edge of the parking lot. The fence was located near the south edge of the parking lot to minimize the impact of the parking lot on the adjacent house by screening the lot and keeping the lawn south of the parking lot open to view.
- A lilac hedge would be planted in front of the fence running along the south edge of the parking lot.
- The area between the parking lot and the front of the property would not be affected.

(See attached approved site plan and approval letter.)

3. On September 4, 2008 DSI staff conducted a routine inspection of the parking lot to see if it was built in conformance with the approved site plan. Staff observed a number of areas where the parking lot was not built as shown on the approved site plan and sent a letter informing the property owner of the noncompliance. (See attached letter.) The areas of concern included:

- The asphalt was paved with recycled asphalt. (Zoning requires "hot mix" asphalt for paving parking lots.)
- The parking spaces are not striped. Spaces are identified by signs on the side of the apartment building.
- There was no fence along the east property line and the south fence was built approximately 35' south of where it was shown on the site plan. (Zoning requires a visual screen for parking lots.)
- No lilacs had been planted.
- The work was done without City permits. Permits should have been obtained for the paving and the fence.

4. Staff talked to the property owner on September 22, 2008, April 28, 2009 and on June 11, 2009.

During this period the following improvements were made to the parking lot:

- A privacy fence was installed along the east property line. However the fence was set

back approximately 1.5' from the property and an existing chain link fence on the property line was not removed. It is not clear who owns the fence.

- Shrubs were planted in front of the south fence as well along the south edge of the parking lot.
- A picnic table and benches were built in the area south of the parking lot. (This was not shown on the original site plan. However, small improvements like this do not require a City permit and generally do not require City approval.)

5. The following areas of the parking lot are currently not in compliance with the approved site plan:

- The parking lot is paved with recycled asphalt and not "hot mix".
- The parking spaces are not striped. Spaces are identified by signs on the side of the apartment building.
- The fence along the south edge of the parking lot is approximately 30' south of where it was shown on the site plan.
- The fence along the east property line is set back approximately 1.5' from the property line and an existing chain link fence on the property line was left in place. This resulted in a strip of land between the fences that is difficult to maintain.

I. **STAFF RECOMMENDATION:** Based on the findings above, the staff recommends that the property owner make the changes necessary to bring the parking lot at 2057 Laurel Avenue into compliance with the approved site plan:

1. The lot must be paved with "hot mix" asphalt and the pavement must be striped to identify the parking spaces.
2. The privacy fence currently located about 35' to the south of the parking lot must be moved from its current location to either:
 - Where it was shown on the approved site plan or
 - Not more than 8' south of the parking lot to provide room for snow storage.

A row of shrubs must be maintained along the south side of the fence.

- 3, The privacy fence that was built near the east property line can remain. However, the existing chain link fence on the east property line must be removed in the area of the privacy fence, including the posts. Stumps in the area between the privacy fence and the east property line must be removed and grass must be planted and maintained.



APPLICATION FOR SITE PLAN REVIEW

Department of Safety and Inspections (DSI)
200 Commerce Building
8 Fourth Street East
Saint Paul MN 55101-1024
651-266-9008

STAFF USE ONLY

SPR # 08-083994

Fee \$ 435

Staff meeting date:

6/11/08

City agent

APPLICANT

Name DAVE BROOKS Company _____
Address 306 JACKSON ST
City ST PAUL State MN Zip 55101
Phone 651-270-3198 Fax 651-298-1948
Email shana@brooksgroup.net

OWNER (If different than applicant)

Name _____ Company _____
Address _____ Phone _____

PROJECT

Project name / description LAUREL APT PARKING
Project address / Location ~~128 CLEVELAND~~
2057 Laurel Cat Cleveland
Legal description of the property : _____
Lot 9 ex w 10' Blk 13 Merriam Pl 2nd Addn

Applicant's signature _____ Date _____

STAFF USE ONLY Type Site Plan Sub Pkg Lot Work Multi-Family S.F. 3500

Folder Name Laurel Apts Parking Lot

Reviewed by _____

Comments:

(attach additional sheets if necessary)

Bond/letter of credit/escrow \$ _____ Date _____

Site plan approved by TB Date 6/11/08

Work approved by _____ Date _____

This form and other information about site plan review are available at www.stpaul.gov/dsi. Click on Zoning, and then click on Site Plan Review.

ARCHITECTURAL NOTES:

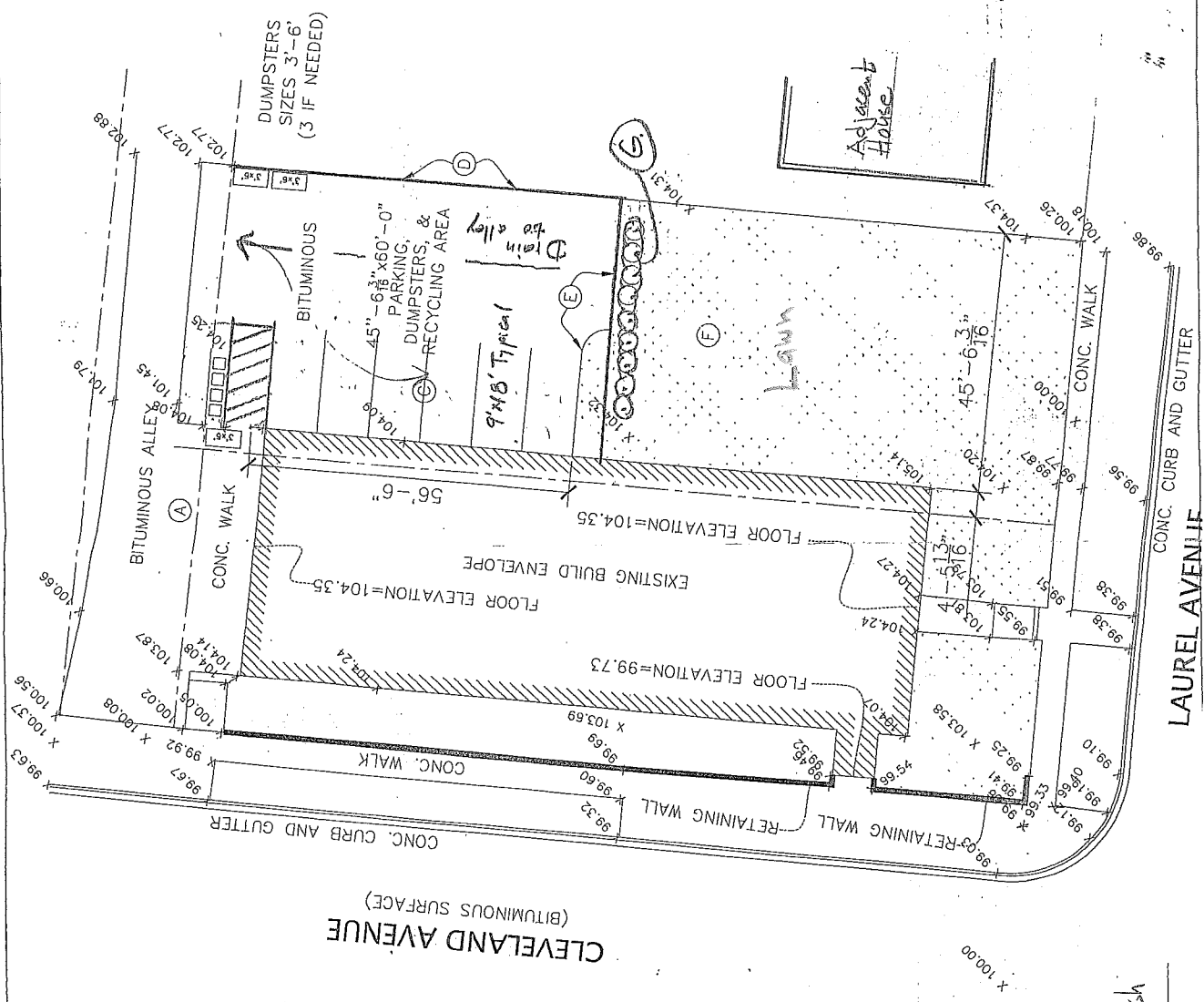
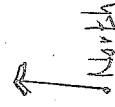
- A: ALLEY
- B: DUMPSTERS
- C: 6' 9"x18' 90" PARKING
- D: FENCE & PROP. LINE
- E: FENCE REINFORCED
- F: GRASS
- G: 9' 18" x 18" 90" H.A. 18" tall
- LOT SIZE 50'x150'

5/27/08

SITE PLAN APPROVED
OFFICE OF LIEP
CITY OF ST. PAUL

By: *[Signature]*
 File # 08-083972 Date 6/11/08
 Any alterations from this plan must be approved by the Zoning Administrator

1 SITE PLAN
 A-1 SCALE: 1" = 20'-0"



Approved site plan for new
 Parking Lot

GLEESON ARCHITECTS
 ARCHITECTS & PLANNERS
 1000 E. 10TH AVE. SUITE 200
 ST. PAUL, MN 55106
 PHONE: (612) 733-9900
 FAX: (612) 733-9901
 E-MAIL: gleson@glesonarchitects.com

COMMISSION NUMBER:
 CHECKED BY:
 DATE DRAWN:

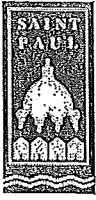
SHEET TITLE

OWNER:

PROJECT:

SHEET #
 A-1

- Lot is paved with asphalt
- Fence is not where it was shown on approved site plan (closer to sidewalk + 1.5' offset property line)



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

COMMERCE BUILDING
8 Fourth Street East, Suite 200
St Paul, Minnesota 55101-1024

Telephone: 651-266-9090
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

September 4, 2008

David Brooks
366 Jackson Street
St Paul MN 55101

RE: Site Plan (File #08-083992) – follow-up inspection
Parking lot for Laurel Apartments at 2057 Laurel Ave

Dear Mr. Brooks:

On June 11, 2008, the City of Saint Paul approved the site plan for the construction of a new parking lot located at 2057 Laurel Avenue. A condition of the approval of the site plan is that:

- A 6' high screening fence is erected along the east and south sides of the parking lot.
- Lilacs are planted along the south side of 6' high screening fence.
- The parking lot is paved with asphalt.
- The parking lot is graded so that storm water is directed to the alley.
- The dumpsters will be placed on the property and screened.

On September 4, 2008, I did a follow-up inspection for compliance with the approved site plan. I noticed the following:

- The 6' high screening fence along the south side of the parking lot was built 36' south of the parking lot built. This fence was built without a permit. On the approved site plan, this fence is located next to the parking lot where it provides better screening from the house next door. The fence must be moved to where it is shown on the approved site plan.
- Lilacs must be planted in front of this fence as shown on the approved site plan.
- The 6' high screening fence along the east side of the parking lot that was shown on the approved site plan has not been erected. This fence is required by zoning regulations to screen the lot.
- The parking lot is paved with gravel. It must be paved with asphalt.
- The parking lot appears to be elevated above the neighboring property. It is not clear why this was done.
- The dumpsters are in the alley and not on the property.
- The dumpsters are not screened. Zoning requires that dumpsters be screened.
- The area where the dumpsters are shown on the site plan is not level. It does not look like dumpsters can be put here. If they are intended to go someplace else, this needs to be discussed.

Due to these discrepancies, the conditions / requirements of the site plan are not being met. You must correct these issues immediately.

If you have any questions regarding this site plan, please contact me at 651-266-9085 (phone) or corinne.tilley@ci.stpaul.mn.us (email).

Regards,

Corinne Tilley TB.

Corinne A. Tilley
DSI Zoning and Site Plan Review



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

COMMERCE BUILDING
8 Fourth Street East, Suite 200
St Paul, Minnesota 55101-1024

Telephone: 651-266-9090
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

June 11, 2008

David Brooks
366 Jackson Street
St Paul Mn 55101

RE: Approval of Site Plan 08-083992
Parking Lot for Laurel Apartments at 2057 Laurel Ave

Dear Mr. Brooks:

The site plan referenced above is approved subject to the following conditions:

1. **Site improvements** The proposed parking lot is shown with 6 parking spaces and room for trash dumpsters and recycling. A 6' high screening fence is shown long the east and south sides. Lilacs are shown on the south side for additional screening. The lot will be paved with asphalt and graded so that storm water is directed to the alley. No new sewers are proposed.

No lighting is shown on the plan. If lighting is proposed for the lot, it must be shielded and aimed so that it does not produce glare or excessive light levels for the neighboring property.

2. **Permits and fee** A permit from this department (651-266-9007) is required to grade and pave the parking lot and to construct the fence. The contractor can apply for this permit.

A parkland dedication fee is not required for this project. (Even though new spaces are being added, no new units are being added.)

4. **Time limit and inspection** Work covered by this site plan must be completed no later than 6/11/09. A site inspection will be scheduled based on this date.

If you have any questions, you can reach me at 651-266-9086 or tom.beach@ci.stpaul.mn.us.

Sincerely,

A handwritten signature in dark ink, appearing to read 'TBeach'.

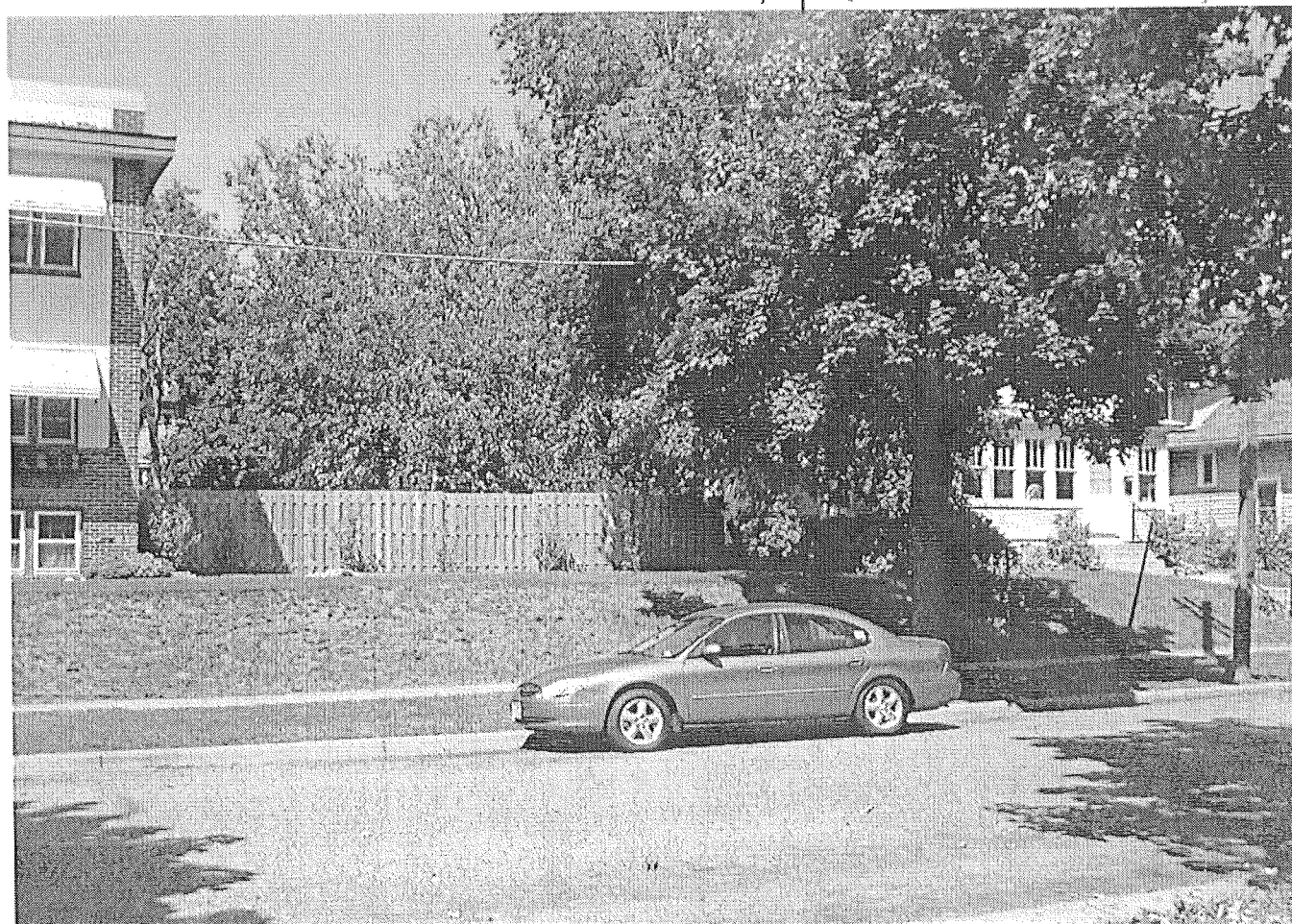
Tom Beach
Zoning Specialist

cc: Sewer Division, Planning Division, Traffic Division



2057 Laurel

2057 Laurel, (pkg lot behind fence)



Parking lot viewed from alley



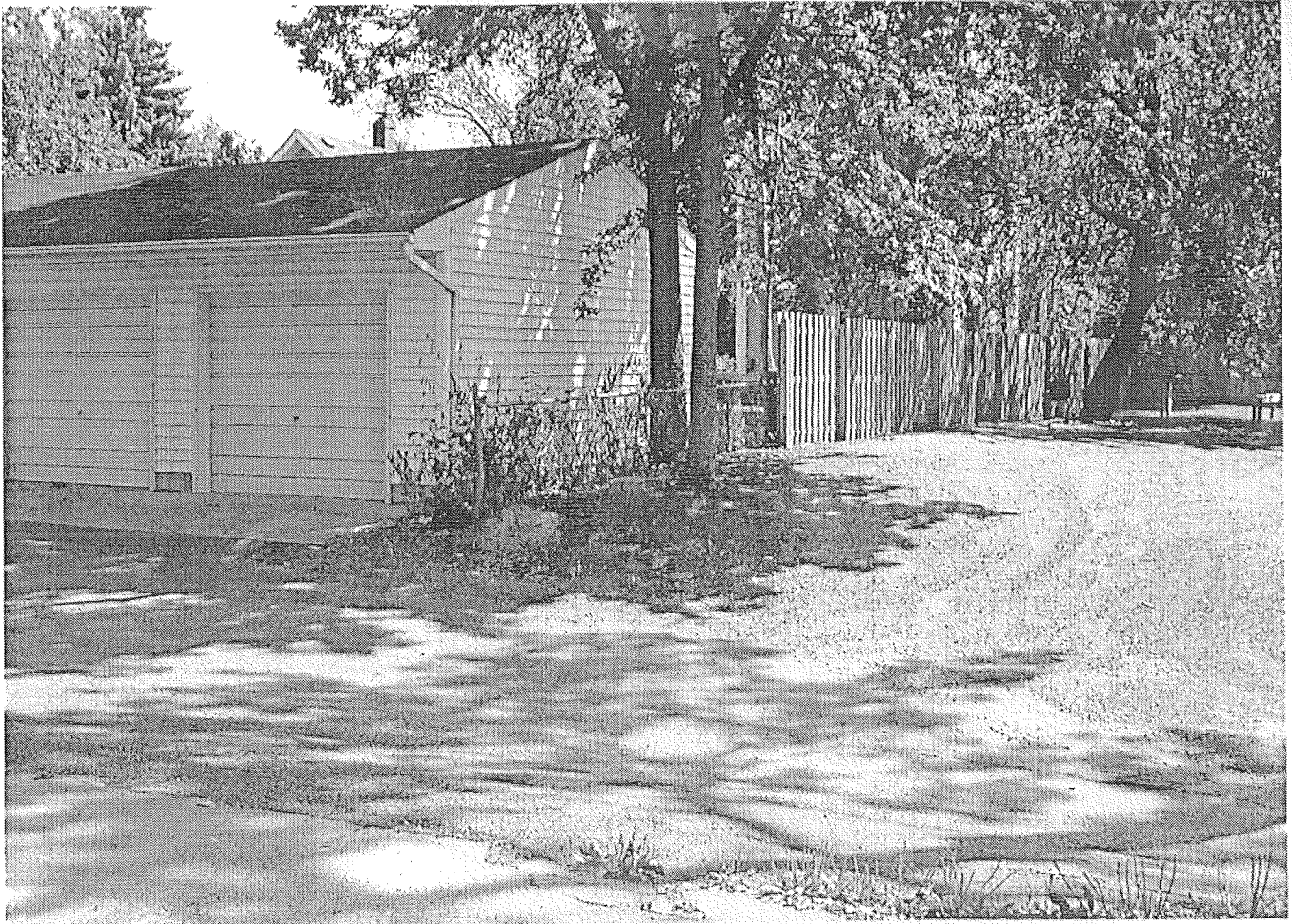
Recycled asphalt paving ↓

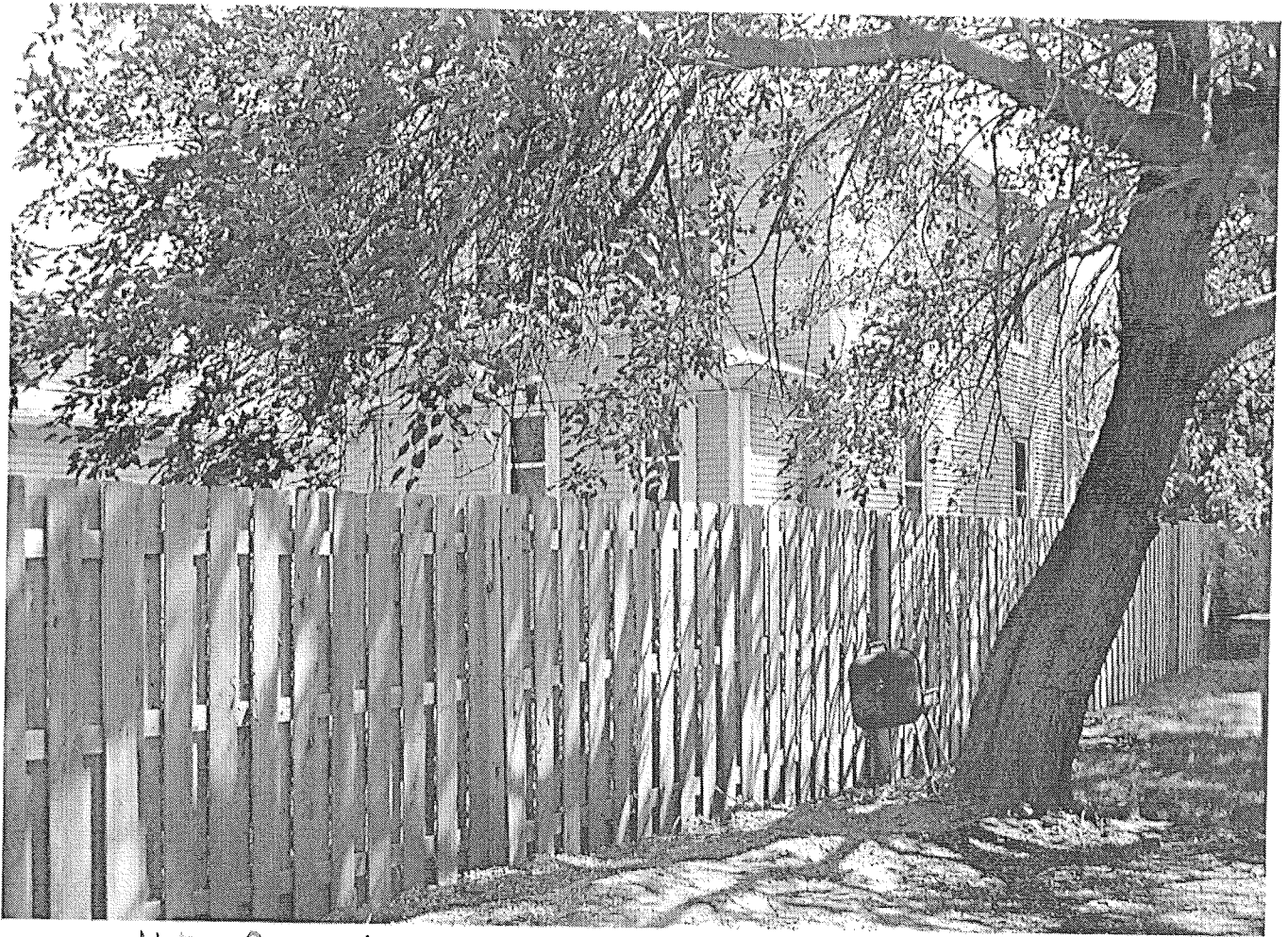




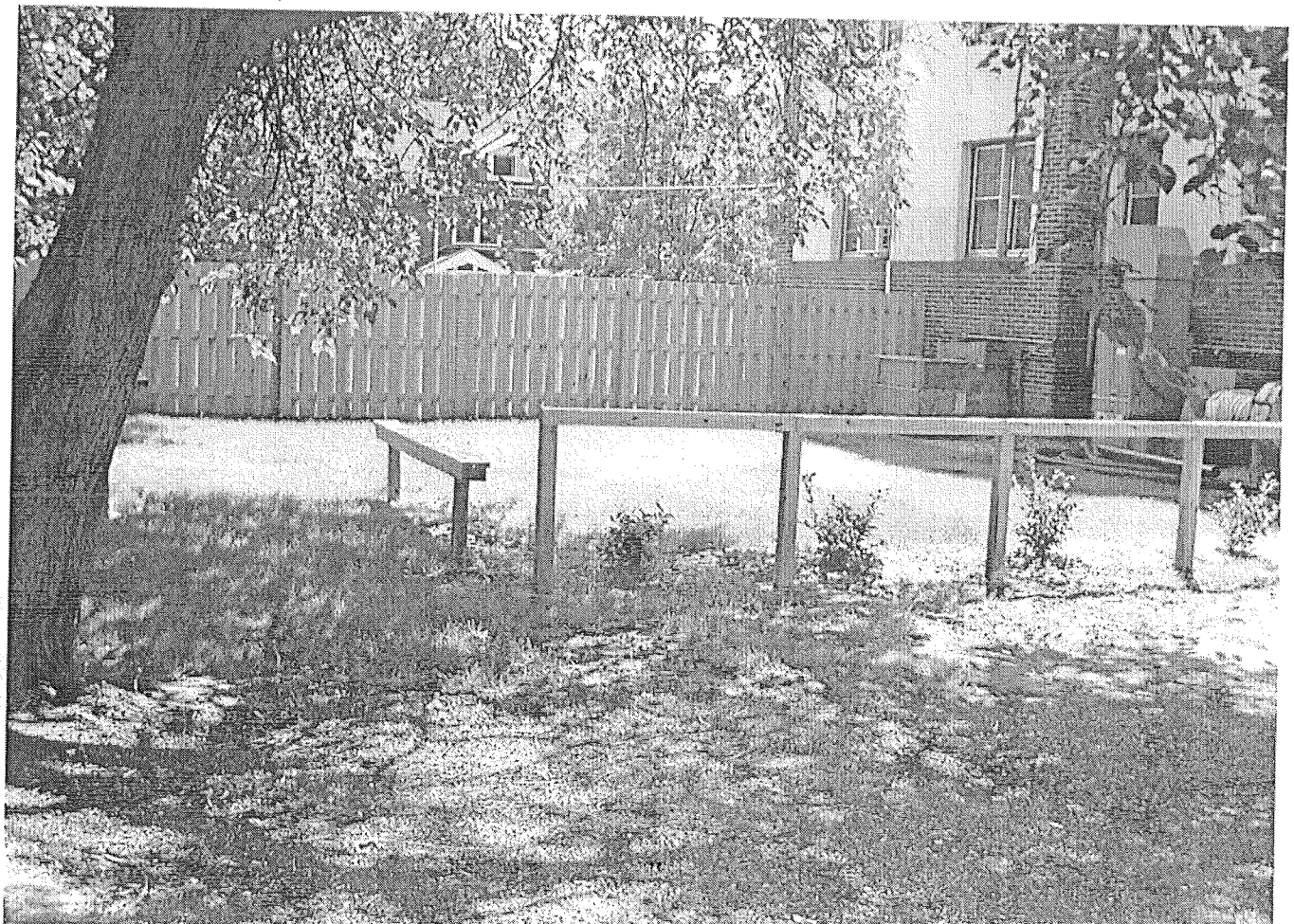
↑ Parking spaces

Parking lot, fence and neighbors garage ↓





New fence ↑
↓





↑ New fence and old fence on property line
Neighbor's garage across the alley, ↓



